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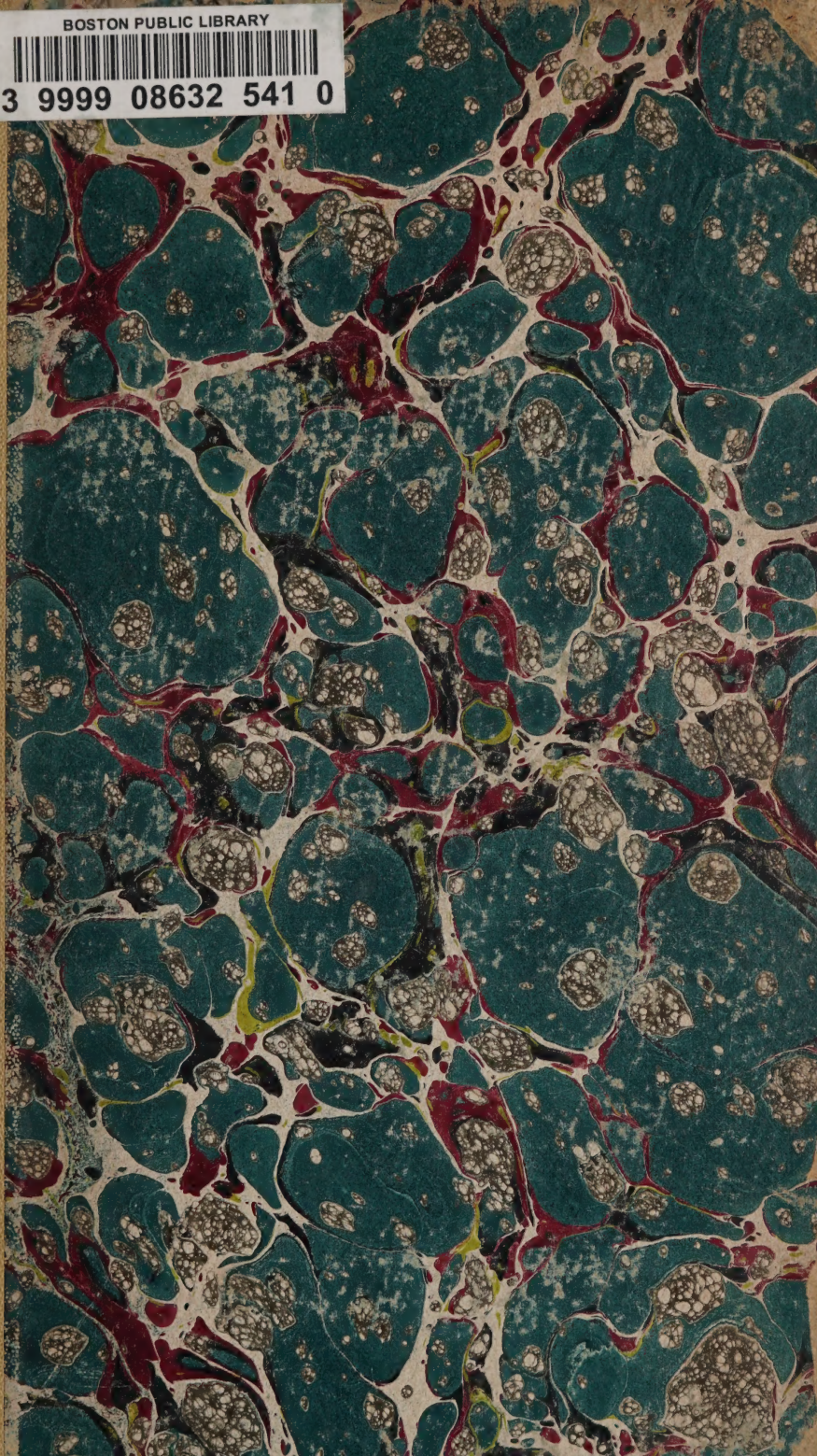

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NARRATIVE

OF EVENTS CONNECTED WITH THE

ACCEPTANCE, AND RESIGNATION

OF THE

RECTORSHIP OF ST. PAUL'S CHURCH,

Boston.

From pph vol 248
4063
Walter Channing, MD
Mar. 18, 1856.

TO THE

Congregation of St. Paul's Church.

My dear friends,

By a most singular concurrence of events you have been deprived of a Pastor whom you always professed to love, and he of a flock to whom he was most tenderly attached; while you have been kept in ignorance of the alleged causes of controversy which have led to this result, and have been allowed no publick opportunity of expressing your sentiments or your wishes.—Several judicious persons have therefore advised me to lay before the Christian publick, a plain statement of the facts relative to my acceptance and resignation of my late Rectorship. They have urged this on account of the misrepresentations which have constantly been, and are still made, with a view to alienate from me your affections and the confidence and respect of the community. They have urged it on the principle, not of recrimination, but of self-defence; and on this principle alone, have I so far complied with their wishes, as to print, and privately distribute the following pages.—I have always been averse from publishing to the world, either your wrongs or mine. No currency therefore should be

given to this pamphlet, beyond the bounds of our own Church.—The injuries we receive, afford to the Christian neither occasion nor excuse for inflicting injuries upon others; excepting so far as may be the unavoidable result of our own defence.—On this last occasion of addressing you, let me then claim the privilege of adding one request; which is, that you will subdue every feeling of anger towards those who have occasioned our separation, and will continue to worship in St. Paul's Church.—You will recollect that it is the *office* of a Minister of Christ, and not his *person* which should bring you into the fold and attach you to his ministrations.—The *office* will doubtless be as well, and probably better sustained, than by him who now addresses you. In this respect he is willing to yield to the superiority of others; but as it regards affection for you, he can yield to none. Wherever it may please Divine Providence to cast his lot, he will always cherish the remembrance of his former flock; and desiring their prayers for him to the God of all consolation, as his will ever be offered for them, he takes this opportunity of bidding them all an affectionate farewell.

SAMUEL FARMAR JARVIS.

Boston, November, 1825.

NARRATIVE.

In consequence of the affectionate wishes expressed to me in letters from the Bishop and several of the Clergy and laity of the Eastern Diocese, together with the representations and promises made to me by the Chairman of the Committee for building St. Paul's Church, I was induced to believe that a greater field of usefulness was opened to me in Boston, than in the parishes where I had been for nine years happily settled, or in the Theological Seminary then in its infancy.—My engagements in the Seminary, and my salary as Professor, terminated on the first of April 1820. St. Paul's Church was not then finished, so that I was obliged to remain from that time till towards the close of June, in the city of New York.

On my arrival in Boston, I found myself disappointed in almost every particular, in which I had trusted to the Chairman's representations.—Instead of any eagerness among the principal inhabitants of Boston to buy pews, few were sold. Instead of being highly popular, the new Church was regarded with an eye of jealousy, while the injudicious use of tickets of admission to the consecration, made it a subject of ridicule and sarcasm. Instead of a disposition in many of the Congregational denomination to take refuge in the Episcopal Church, it was manifest that an opposition had been secretly organized, and the opening of the new Church for publick worship, was the signal to strike the first blow. A Letter from a Congregationalist to his friend on the subject of joining the new Episcopalian Church, was published the first Monday after the consecration; and soon after The Letters on the Episcopal Church, printed at Baltimore, but evidently intended for the meridian of Boston, were widely and industriously circulated.

With a subscription of $50,000, of which less than $40,000 were realized, a Church had been built which cost $100,000; so that at the outset, it was under a debt, as appears from the Report made to the Subscribers, of $69,807 31. When the Chairman first conferred with me, he stated that the Building Committee were desirous that I should determine upon the plan. On this assurance, I was induced to express my wishes that the architecture should be Gothick. I soon found, however, that he had resolved to have it Grecian. I opposed this, as being not so suitable for Churches, and particularly unsuitable in this case on account of the expense; and I told him explicitly that the Church might be built for at least $30,000 less, if Gothick, than it could

be, if built on a Grecian model.—My representations, however were, I found, useless, and as I knew that several very wealthy persons were members of the Building Committee, I did not think it advisable to press the subject. I must observe, however, that in no one instance, when I did express my wishes, or give an opinion, were they received with any attention. They were heard indeed by the Chairman with the utmost courtesy, but there were always obstacles which prevented a compliance with them.

After my removal, finding myself in this unpleasant situation, having a parish to form, and almost every obstacle which could exist, placed in the way of its formation, I determined to decline all controversy, to go on steadily in the performance of pastoral duties, to make no attempts at proselytism, but to instruct in the principles of our Church, all who should think proper to attend upon my ministrations. With this view I preached a series of sermons upon the several points at which the author of the Letters on the Episcopal Church had thought proper to level his attacks.—In doing this, however, I avoided the appearance of polemical discussion, and simply maintained that the doctrines and practice of the Church were conformable to the Scriptures, without attacking those of other professing Christians. This course, I was happy to find, met with the general approbation of my parish, as appeared from the following communication about a year after my settlement.

To the Rev. Samuel F. Jarvis, Rector of St. Paul's Church.

Boston, June 14, 1821.

The Subscribers, your parishioners, have heard with very great satisfaction and delight, the course of sermons you have delivered at St. Paul's during the past year.—As it is not possible to reap all the benefit they could wish, from the opportunity afforded by a single hearing, they are very desirous to have them in their possession, as constant sources of instruction. They therefore respectfully request, that you would select for publication such, and so many, as you may judge proper, for their improvement in the most essential Christian principles; and that you would allow them to be put to the press, as soon as your convenience will permit.

Dudley A. Tyng,
S. Codman,
John Amory,
John C. Warren,
David Sears,
G. Sullivan, (by a friend.)
D. Hinckley,
William Appleton,
Enoch Hale, Jr.
George Odin,
John Odin,
William Shimmin,
P. Parker,
F. Wilby,
E. Gerry,
Nathaniel Tracy,
Ezra Davis,
S. C. Gray.
Adam W. Thaxter,
Benjamin Greene,
Alexander Parris,
John Redman,
John Chandler,
Jonas Prouty,
James C. Merrill.

As there appeared to be but one opinion on the subject, it was not thought necessary to obtain more signatures.

The course thus commended, was pursued by me without variation from that time till the present year; and the result was the steady increase of the parish, both in numbers and attention to religious duties. At the end of the first year the communicants had increased from 26 to 90, and in the subsequent years the numbers added were, during the first 38, the second 32, the third 45, and the fourth 35. These comparative numbers will best appear by the table in the margin;* and it will be seen from them that the Church, as regarded its spiritual condition, was continually becoming more and more prosperous. During five years the number admitted as regular and stated communicants was 239; of these 48 had removed or died; leaving at the time when the Senior Warden created the difficulties, 191. Within five years, therefore, the number of communicants had become nearly equal to those in the two old and long established Churches;† while the intrinsic condition of the Church may be judged of by the fact that nearly one half of its adult members were communicants. The proofs which I continually received that my ministry was blessed by Him who alone can give the increase, were peculiarly encouraging. The serious deportment of my congregation, their solemn and devout attention to the service, and their animated and fervent responses, were the subject of general remark, and were noticed and spoken of by strangers, both clergymen and pious laymen, who have occasionally been present at our worship.

From the time of my coming to Boston, I had in view the establishment of a Sunday School, in which all the children of my parish, of every rank and age, might be instructed in the first principles of our holy religion. My design was to arrange them in classes according to their ages, from five to fifteen, and to give them a regular series of lessons, leading them gradually to an intimate knowledge of the Bible, exhibiting to them the Scripture proofs of our doctrine, discipline, and worship; making them to understand the nature of the Christian Church, as a spiritual society, distinguished by its government, unity, order, and sanctity; teaching them the value of its ministry and sacraments; and thus leading them at a proper age to receive confirmation, and approach the altar. The want of elementary books delayed the execution of this plan, but it was at length commenced in the

* Parochial Report of St. Paul's Church from 1821 to 1825.

	June 1821.	June 1822.	June 1823.	June 1824.	June 1825.	Total.
Families.	80	111	120	123	125	—
Baptisms.	21	22	29	38	42	152
Marriages.	2	6	2	8	6	24
Deaths.	1	6	12	7	22	49
Confirmed.	33	21	18	50	25	147
Communicants.	90	115	137	166	191	—

† The last parochial Reports of Christ and Trinity Churches, state the number of communicants in each, to be 200.

winter of 1822. The first Sunday in October was fixed upon for its regular and annual beginning; and the day of the consecration of the Church, the 30th of June, for its termination, and anniversary. On that day we assembled for public worship, in which the children led the responses; a full Report of the state of the school was made by the Rector; prizes were distributed to the children for their general proficiency, good behaviour, and knowledge of the Bible; and they were exhorted in an address from the altar, suited to their years, to go on in the knowledge of Christ, and the practice of Christian virtue. Our school began with nearly seventy, and increased from year to year till it amounted to more than a hundred. It was truly delightful to see the animation with which the duties of the Sunday School were performed. The children were in general eager for the Sabbath to arrive. No coercion was used, and none was necessary.—Their smiling, happy faces, as they crowded around me to receive their tickets for verses of the Bible committed to memory, showed that their hearts were engaged in the employment.—It was a father among his spiritual children.—It was a shepherd surrounded by the lambs of his flock.—The sensibility will be pardoned, if I look back with some regret and fondness upon the beautiful fragments which now float upon my memory.

It is painful to me to speak so much of myself or of my own labours, but a statement of facts with regard to the condition of a parish which had been formed by these labours, could not have been made without such personalities. In the subsequent pages, I shall endeavour to give the history of events, as much as possible, by official documents, interspersing only such statements of conversations, and explanatory remarks as may appear necessary for their elucidation.

Boston, March 12, 1820.

Rev. and Dear Sir,

At a meeting of the Vestry of St. Paul's Church, held the last evening, we were deputed to transmit to you the vote of the Proprietors, hereto annexed. We have a very high satisfaction in being thus made the organ of the Corporation, in soliciting your acceptance of the Rectorship of our new Church. It was with this object in view that it orginated, and the anticipation of this, has given alacrity and speed to its construction. We are authorized to expect its completion in the course of the month of June next, and shall immediately make application to our Diocesan for its consecration. It is desirable that your institution should be effected at the same time.

On the subject of the salary that shall be permanently attached to your office, it is not in our power at present to speak confidently. From the reference in the annexed vote to Dr. Gardiner's salary, it may fairly be presumed that the Corporation contemplate that, as the measure of yours. Dr. G's. permanent salary, as fixed by agreement with him when he became Rector of Trinity Church, is $2,000. For some years past, there has been annually granted him an additional $500, on account of the dearness of articles of common necessity. Our Congregation is yet in a good measure to be formed; and parochial taxes are, in this town, by an universal practice, assessed on such pews

as are owned by individuals. While we indulge the most animating hopes that our pews will find a ready sale, and be soon filled, it may be some months after the Church shall be opened, before they will all be disposed of. Until such, or nearly such, shall be the state of things, it may perhaps be thought expedient to make the salary somewhat less than that which shall be fixed as the permanent one. We can say in general, that in no place is the ordinance, "that they who preach the Gospel, should live of the Gospel," more strictly adhered to than in this town; and we are confident that your future parishioners will not, in this respect, be behind their fellow-citizens.

Permit us to suggest that it would be very gratifying to your friends here, that you should in the mean time make a visit to Boston, if consistent with other calls upon you. It would afford you an opportunity of making a personal acquaintance with many of those who expect to attend on your ministrations, and of making arrangements for the convenient and agreeable establishment of your family.

We are, Rev. and Dear Sir, with sentiments of the highest personal esteem and regard, very respectfully your most obedient servants,

DUDLEY A. TYNG, } *Wardens of St.*
GEORGE SULLIVAN. } *Paul's Church.*

Rev. Dr. Jarvis, New-York.

At the first meeting of "the Proprietors of St. Paul's Church in Boston," held in Boston, Feb. 28, 1820.

Voted, That, in conformity with the original purpose of erecting St. Paul's Church and forming this Society, the Wardens and Vestry be, and they hereby are, fully empowered to invite the Rev. Samuel F. Jarvis, D. D. of New-York, to become the Rector of St. Paul's Church; and to negotiate, and definitively adjust with him, the terms of his settlement; and in behalf of this Society to make and execute such agreement with him as they may deem expedient, having reference, in respect to the amount of salary, to that allowed to the Rev. Dr. Gardiner.

True copy of the Record,

Attest, HENRY CODMAN, *Clerk of the Corporation.*

In the conversations already alluded to, the Chairman of the Building Committee had stated to me, that it was their intention to purchase the ground between the church and the corner of Winter Street, as the scite of a parsonage which they designed to build of the same materials as those of the church; and so particular was he in these statements as even to name the dimensions of the building, and its interior arrangements. With expectations thus created, I returned the following answer:

New York, March 17, 1820.

GENTLEMEN,

I HAVE the honour to acknowledge the receipt of your letter of the 12th inst., transmitting to me the vote of the Corporation of St. Paul's Church, Boston, by which the Wardens and Vestry were empowered to invite me to become the Rector; and I lose no time in announcing to you my acceptance of that office. It gives me peculiar pleasure to do this before any thing can be confidently said "on the subject of the salary that shall be permanently attached to it," since it enables me to express more fully the confidence with which I rely upon the kindness of my future parishioners.—I know too well the character of the inhabitants of Boston, as it regards the delicate atten-

tions paid to the support and comfort of their Clergy, to have any fears on the subject of maintenance; and I beg you to accept yourselves, and to express to the Vestry and the Proprietors, the assurances of that affectionate regard which, I trust, will increase with increasing years, and survive our frail mortality.

As soon as I can disengage myself from the duties of the Theological Seminary, which will I hope be early in April, I intend, with divine permission, to visit Boston, when I shall be able to express more fully the great esteem and respect with which I am Gentlemen, Your most obedient and most faithful servant, SAMUEL F. JARVIS.

To Dudley A. Tyng and George Sullivan, Esqs.
Wardens of St. Paul's Church, Boston.

Soon after my arrival in Boston, having beeo without salary for three months, and having paid all the expences of my removal, I found myself obliged to apply to the Wardens for money, and subsequently to borrow a further sum upon their security.—Still not a word was said by me upon the amount of salary I was to receive, nor the date of its commencement. Nor did I intimate any expectation that they would pay the expences of my removal.—As they knew the fact that my salary had ceased in New York the first of April, and I had made no conditions of acceptance, I thought it the most proper and delicate course to trust for remuneration to their own sense of propriety, and on my part to preserve an entire silence. This silence continued till I received the following letter:

Boston, March 26th, 1821.

DEAR SIR,

I HAVE the honour to communicate to you the following vote passed at the meeting of the Vestry of St Paul's Church in Boston, on the fifth, and during your absence.

With the highest respect, your most obedient servant,

HENRY CODMAN.

Rev. S. F. Jarvis, D. D.

At a meeting of the Vestry of St. Paul's Church in Boston, held March 5, 1821.

Voted, In pursuance of the authority delegated to the Vestry by the Corporation at their first meeting, that the salary of the Rev. Dr. Jarvis be fixed at the rate of twenty-five hundred dollars per annum, to commence on the 30th day of June last, and to continue while he shall officiate as Rector of St. Paul's Church in Boston: and that the Clerk communicate to him this vote, and request his acceptance thereof.

Attest, H. CODMAN, *Clerk of the Proprietors and Vestry.*

To which I returned this answer:

Beacon Street, April 4, 1821.

DEAR SIR,

I HAVE the honour to acknowledge the receipt of your note of the 26th of March, communicating a copy of the vote passed by the Vestry of St. Paul's Church relative to the amount of my salary,

on the 5th of March; and I beg you to make known to them my acceptance thereof.

I am, with the greatest respect, Dear Sir, your obedient, faithful servant, SAMUEL F. JARVIS, *Rector of St. Paul's Church.*

H. Codman, Esq. Clerk of Proprietors and Vestry, St. Paul's Church.

On Easter Monday, April 23, 1821, while I was waiting in the Vestry Room for a Proprietors' meeting, in company with Edward A. Newton, Esq., he spoke in somewhat desponding terms of the affairs of the Church. This induced me to say to him that I should feel disposed, if the Church was in any difficulty, to relinquish whatever might be due to me at that time; and I requested him to ask Mr. Tyng, the Senior Warden, to give me a few minutes conversation. I then authorized Mr. Tyng to state to the Proprietors after I should retire from the chair, which it was my practice to do whenever the temporal concerns of the Church were discussed, that I would not only relinquish whatever sum was then due, but also for the ensuing year $500 of my salary. This offer from me induced the Proprietors to pass the vote of thanks communicated to me in the following letter from the Wardens.

Boston, April 23, 1821.

REV. AND DEAR SIR,

THE Senior Warden this day communicated to the Proprietors of St. Paul's Church, your offer to relinquish the balance of the salary due to you as Rector, to this day; and also to accept of $2,000, as your salary for the current year.

We are directed by the Proprietors, to present you their sincere thanks for this very generous act; which cannot fail to make a deep and lasting impression upon their minds.—Your unwearied exertions to promote their intellectual, moral, and religious improvement, had already won their affections; and this proof of your sympathy in the present embarrassed state of their financial concerns, adds another strong claim to their respect and attachment.

Permit us also to express our personal sensibilities on this occasion, and to avail ourselves of the opportunity it offers, of renewing the assurances of the unfeigned attachment and affectionate respect, with which we are, Rev. and Dear Sir, your most obliged friends and servants, DUDLEY A. TYNG, STEPHEN CODMAN, } *Wardens of St. Paul's Church.*

Rev. Dr. Jarvis.

On the 6th of November of that year, Mr. Tyng, being on the eve of removal to Newburyport, sent me his resignation of the office of Senior Warden.—From this period I date all my sorrows. The removal of so sound a Churchman, and so firm a friend, left me unsupported in the hazardous and difficult situation of forming a new parish composed of persons, the greater part of whom were confessedly unacquainted with the rights and duties of an Episcopal Clergyman.

Mr. Stephen Codman being the Junior Warden, it was proper for me to nominate him, the ensuing Easter, to the office of Senior Warden. But there was not a single individual among the Proprietors, who could be prevailed upon to accept the office which he thus vacated. Hence for two years, Mr. Codman was the only person to whom I could officially have recourse for consultation and advice.

The year for which I had relinquished $500 of my salary, ended at Easter 1822.* Sometime towards the close of November or the beginning of December in that year, as I was sitting in my study in the evening, the Chairman of the B. C. and another of the Vestry called upon me, as a Committee from the Proprietors. The conversation was I think opened by the latter. He observed that an attempt was making, or about to be made, to extinguish at once all the debts of St. Paul's Church; there being no other way of inducing persons to buy pews, since no one would buy while the Church was in debt, because no one would come into a concern without first knowing what responsibilities would be thereby assumed. For this purpose a number of the gentlemen who were Proprietors had agreed to submit to pecuniary sacrifices, and it would be absolutely necessary for me to submit to sacrifices on my part.—This statement the Chairman of the B. C. confirmed.—I replied to this effect: Gentlemen, I think I have already made a considerable sacrifice, having given up nearly $200 the first year, and $500 of my salary to last Easter. This they admitted, but said that it would be necessary for me to surrender an annual sum from my salary for some time—they hoped it would not be very long,—that I would be no loser in the end, since I might rely upon the honourable intentions of the Proprietors, and that ultimately it would be all

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* *Rev. S. F. Jarvis in Account Current with Wardens of St. Paul's Church.*

Dr.						Cr.	
1820.				1821.			
July.	To cash of W. Appleton,	$5,000	00	April 22.	By 10 months salary from June 1820 to April 1821,	2,083	33
Nov. 18.	To do. of E. Gerry,	300	00				
Dec. 28.	To do. " "	500	00				
1821.							
March 1.	To do. " "	100	00			$2,083	33
April 2.	To do. " "	500	00				
		1,900	00				
	To balance of this account relinquished,	183	33				
		$2,083	33				
				1822.			
August 3.	To cash of E. Gerry,	500	00	Easter.	By one year's salary due at this time,	$2,500	00
Oct. 4.	To do. " "	500	00		Less relinquished,	500	00
" "	To paid your order, favor W. H. Prentiss,	78	23				
Dec. 1.	To cash of E. Gerry,	200	00			$2,000	00
1822.							
Jan. 2.	To do. " "	300	00				
April 6.	To do. " "	121	77				
		1,700	00				
	To do. March 1, of E. Gerry,	300	00				
		$2,000	00				

refunded with interest.* I observed that I did not think it just or proper to call upon me to give up any portion of my salary, as it was the means by which I lived, and that the sum thus surrendered, though it would subject me to serious inconvenience, would not be felt by the wealthy gentlemen of my parish if divided among them.—To this it was replied, that the gentlemen had been called upon so often for subscriptions for the Church, that they were tired of giving. It was in vain therefore to ask any more from them; and unless measures were taken to reduce the expences of the Church within its income, it would be ruined.

I said, "I cannot in justice to myself, and to my family, consent to give up as much as I did last year.—I am willing however to bear my share like any other gentleman, in paying the debts of the Church. But I am not prepared to mention any particular sum. I confide in the liberality of my parishioners, and will leave it to them to determine how much I, as an individual, ought to give." The Chairman of the B. C. observed, that "such was undoubtedly the best way, and that if I left it to their generosity to decide as to the amount, they would be disposed to treat me with much greater liberality; for such was the character of Bostonians." Well then gentlemen, I replied, I will write a letter in general terms, leaving it to them to decide, how much I ought to give.—"That will be the best way," said the Chairman; and then smiling he observed, "You have consented much more readily than we expected."—After this they took their leave; and I think it was the next day, I am sure it was not many days after, I wrote the following letter:

Boston, Thursday, Dec. 5, 1822.

DEAR SIR,

HAVING understood that an effort is about to be made by some of the members of my parish at once to extinguish the debts of the Church, I feel disposed to bear my share in the sacrifice of which they have so nobly and generously set the example; I shall therefore consent to such a temporary reduction of my salary as they may think necessary to accomplish their object. My respected and beloved parishioners will, I trust, do me the justice to believe that I seek not *theirs* but them; and that it will be always a source of pain to me to think that I am in any degree burthensome to them. At the same time I wish it to be understood that my family expenses so far exceed the amount of my salary as to consume the whole income of my patrimonial property. If therefore there be a necessity of greatly diminishing my income from the Church, or of continuing even a small diminution for some time, it will be necessary for me to make a correspondent change in the arrangements of my household.

Assuring you, of my continual prayers for the prosperity of the Church, to Him without whose support we build and labour in vain, I remain, dear Sir, very affectionately and faithfully yours,

SAMUEL F. JARVIS.

To Stephen Codman, Esq. Senior Warden of St. Paul's Church.

* So far were these promises from being sanctioned by any subsequent act of the Proprietors, that even the expression of a hope that they should make good my losses, was objected to and stricken out of a Report, on the ground that they would not allow me to have any expectations of this nature. See page 19.

This letter was laid before the Proprietors on the 16th of December. At the opening of that meeting I presided as usual; but there being no other business than that which related to the fiscal concerns of the Church, I stated that as my reason for retiring, and requested the Warden to take the chair. Not a word had been said to me of the preparations for that meeting, and little did I imagine the use that was to be made of my letter. It appears from the records that Mr. George Sullivan stated a plan which had been devised "for the extinguishment of debts and diminution of expenses;" and then presented eleven votes which were all unanimously passed. The object of these votes was to raise money to pay the debts of the Church by curtailing its income.* When these votes had been passed, the Warden laid before the Proprietors, my letter of Dec. 5th; but it appears on the Records as if there had been no previous application on their part.—A vote of thanks was passed, and communicated to me by their Clerk as follows:

Boston, Dec. 17, 1822.

REV. AND DEAR SIR,

I HAVE much pleasure in transmitting to you the enclosed vote of the Proprietors of St. Paul's Church in Boston, passed at their late meeting, and with sentiments of individual respect and esteem, have the honour to be, your most obedient servant,

HENRY CODMAN.

To Rev. Dr. Samuel F. Jarvis.

AT a meeting of the Proprietors of St. Paul's Church in Boston, held Dec. 16, 1822.

Voted: That the sincere thanks of the Proprietors be presented to the Rev. Rector of this Church, our respected and beloved Pastor, for the very liberal and generous manner in which he has freely offered to meet the exigencies of the Corporation by his letter of the 5th inst.; manifesting a disinterested zeal for their best interests that commands the respect and gratitude of his parishioners.

Attest, H. CODMAN, *Clerk of the Proprietors, St. Paul's Church in Boston.*

I heard no more relating to this subject for nearly a year. In Nov. 1823, the Committee appointed by the General Convention on the revision of the Metre Psalms and Hymns met in Philadelphia; and I went thither to attend the meeting.—During my absence on the 6th of that month, a meeting of the Proprietors was held, at which the Warden, six Vestrymen, and two other Proprietors were present. The Committee of Finance, consisting of the Warden and Messrs. David Sears and William Appleton, made a Report recommending among other subjects that the Wardens and Vestry should be directed to inform the Rector that

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* In consideration of $1,000 paid by D. S. Esq. six pews given by him to "the Sears' fund," were forever exempted from taxes. These pews were rated at $187 00 per annum. About $9,000 more I believe were raised in the same manner.

the Proprietors found themselves "*unable to fix his salary at a higher sum than fifteen hundred dollars per annum.*"—So much of this Report as relates to the subject is here subjoined.

Extract from the Records of the proceedings of the Proprietors, at their meeting held Nov. 6, 1823.

"The Committee would further report, that after a careful examination of the present available means of the Proprietors, they cannot indulge the expectation that with the most vigilant management of the property of the Church, the income will exceed the average sum of $2,000 per annum for the next ten years, except such increase as may arise from the taxes on pews of the Building Committee, when said pews shall be sold by them, and that, for the unavoidoble current expenses the sum of $500 will be at least required. It is therefore with unfeigned regret that they are necessitated to make known to the Proprietors, that the balance is all that they will have it in their power to appropriate for the salary of their Rev. Rector. Your Committee would therefore with submission suggest the propriety of directing the Wardens and Vestry to address to the Rev. Dr. Jarvis, a respectful letter, stating to him the situation of the Church on its emersion from its pecuniary difficulties, and their deep mortification at a result so different from what they had contemplated, acknowledging that the sanguine hopes they had at first indulged have not been realized, and that they find themselves unable to fix his salary at a higher sum than $1,500 per annum. Your Committee would further suggest the propriety of authorizing the Wardens and Vestry to present to the Rev. Rector, by an annual vote, at the end of each ensuing year, any balance they may have on hand at the time, not otherwise appropriated.

Whereupon it was voted to accept that part of the Report which relates to the compensation of the Rev. Rector, and that the Wardens and Vestry forthwith address to him in behalf of the Proprietors a respectful letter in conformity thereto, and also voted, that the Wardens and Vestry be instructed to report to the Proprietors at their next annual meeting, on the whole subject of the Report of the Finance Committee, in order that in conformity to said Report, the salary of the Rev. Rector may then be permanently established by the Proprietors.

A true extract from the Record.

Attest, S. CODMAN, *Senior Warden.*

The first intimation of this was accidentally given to me by the Treasurer of the Church. While conversing on other business, he spoke of the musick, complained of its being very expensive, and said that we had better do entirely without it. Upon my objecting to this, Mr. G. by way of enforcing his argument, replied, "Well, but what we pay for musick will come out of your salary. We have but $2,000 income, and out of that we must pay for musick, for fuel, and the services of the Sexton; and that will leave only $1,500 for you." "Indeed, Sir," I replied, "I was not aware of this. Then the amount is, that in addition to the labours which I am obliged to undergo in the formation of a parish, I am to pay all the expenses of the Church out of my own salary!"

I had for some time perceived signs of discontent in several of the gentlemen who were most largely interested in the pecuniary concerns of the Church. I was asked whether I could not shorten

the lessons or the reading psalms—or omit the Litany.—My absence in May and October 1821 on the business of the Theological Seminary, and in May and November 1823 on that of the General Convention, were complained of as interfering with my duties to my own parish. It was intimated that persons came to Church to see how they liked the minister, that my absence disappointed them, and thus that opportunities of selling pews were lost. Even the interest which I took in the small country parishes in Massachusetts gave offence.—It was considered as my duty to devote myself exclusively to St. Paul's.—I have before me a letter from one of the most wealthy of the Proprietors, which clearly indicates the existence of this jealousy.

At a Vestry meeting Dec. 2, 1823, the records of the Proprietors were upon the table, and before a quorum had assembled, the gentleman at whose house the meeting was held, mentioned the Report of Nov. 6, and pointed it out to me. I cast my eye hastily over it, and observed that I hoped I should never be called upon to approve of these proceedings, or to make any official communication on the subject.

At Easter, however, it became necessary by the terms of the Report that it should be communicated to me; in consequence of which, it was inclosed in the following letter:

Boston, March 31, 1824.

Rev. and Dear Sir,

The Subscribers, the Warden and Vestrymen of St. Paul's Church in Boston, were appointed, at a meeting of the Proprietors, held on the 6th of Nov. last, a Committee to communicate to you the result of that meeting, and respectfully to address you on the subject of your letter of the 5th of Dec. 1822, which the Proprietors had, until then, found themselves unable to reply to distinctly, otherwise than by signifying to you their sense of its disinterested spirit.

This Committee had proceeded to frame a communication to you accordingly, when they were induced to defer it until some moment more convenient to yourself; and in the mean time the Books, containing the records of the Proprietors and the Vestry, were laid before you.

The near approach, however, of the annual meeting, when it will be necessary to report some result to the Proprietors, seems to us to render it a duty, which we can no longer defer, to make a statement to you of the situation of the finances and views of the Proprietors; and we therefore enclose herewith a copy of part of the Report made at the meeting of the 6th of Nov. last, which Report was accepted.

The pecuniary embarrassments under which the Church has laboured from its commencement have not been concealed, and the slow augmentation of the number of those who *contribute to its support* has been apparent; but while any hopes remained of a more favourable result of their affairs the Proprietors were reluctant to entertain any idea of the necessity of a diminution of the salary, which, in a moment of sanguine anticipation, they were induced (they now fear imprudently) to offer you, notwithstanding your voluntary consent to a reduction, deserving their warmest acknowledgments, authorized them to do so.

The meeting alluded to resulted in the extinguishment of their heavy debt; but, in the effort to accomplish this, sacrifices became

necessary, of such a nature as to render them unable, at that time, to appropriate more than $1,500 per annum, from the first of January 1823, for your salary; leaving the residue of their income for the ordinary expenses of public worship, but with the hope of having it in their power to offer to your acceptance, from time to time, such further sum as an economical expenditure for those purposes might enable them to save.

It gives us pleasure here to state that a sum of about $300 per annum for six years from the first of January last, having since that time been voluntarily provided and devoted to the payment of the expenses of musick, the residue at the disposition of the proprietors will be proportionally increased; and by an estimate now made by us, under the operation of the votes and proceedings of the proprietors of the 6th of November last, the future income from taxable pews at the present rates, will amount to $2,324 77, commencing at Easter next, which cannot be increased until the year 1833, when the pews belonging to the Building Committee will be taxable for the sum of $994 94 more.

The proprietors considered a reduction of your salary, however they might wish to avoid it, as a matter of absolute necessity to their existence as a society, brought about by an accumulation of debt considerably increased by their desire to fulfil all their engagements and by a complete disappointment of their hopes of selling pews and thereby rendering them taxable; they saw no measures but those they adopted, together with the strictest economy in future, which could authorize the hope to avoid incurring such another debt as would ultimately prove ruinous; an addition to the present rate of taxes was forbidden by considerations connected with the existence of the Society, and voluntary contributions to any considerable amount, could not, in their opinion be hoped for.

The proprietors have a common interest with you; they feel every motive to persevere in their efforts, and they solicit from you such a co-operation as, they cannot relinquish the belief, will, with the aid of Divine Providence, enable this Church to overcome all obstacles and yield to all concerned in its establishment a reward for exertions and sacrifices.

Hoping to be able to communicate to the proprietors at their Easter meeting your assent to their arrangement, we have the honour to subscribe ourselves with sentiments of respect, Rev. Sir, your friends and most obedient servants,

S. Codman,
John Amory,
John Odin,
William Shimmin,
E. Gerry,
George Odin,
William Appleton,
J. C. Warren,
Henry Codman,

Warden and Vestrymen of St. Paul's Church, Boston.

Rev. Dr. Samuel F. Jarvis.

Beacon Street, April 19, 1824.

My Brethren,

I acknowledge the receipt of your favour of the 31st ultimo, which you addressed to me in the name and on the behalf of the proprietors. I have witnessed with great sensibility "the pecuniary embarrassments under which the Church has laboured from its com-

mencement," and the unwearied efforts and generous sacrifices of many of the proprietors to ensure its permanency and success. It is a good work in which they have been engaged, and may God remember them for good!

I have ever indulged the fullest confidence in the disposition of my parishioners to contribute, according to their power, to the temporal wants of myself and my family. In this confidence I accepted their invitation to become their pastor. In this confidence I have ever lived, and in this confidence I hope to die.

Be assured, my beloved friends, that I seek not yours but you. It would be a most painful thought if I supposed that any member of my parish, were himself deprived of comforts for my sake. But you are perfectly aware that in order successfully to fulfil the solemn duties to you which flow from the engagements entered into at my ordination, and my institution, it is necessary to have my mind free from harassing anxiety respecting the means of support for myself and my dear family. It is necessary too, for the reputation of my parish and of my office in the Church, that I maintain a certain degree of hospitality. These two objects form the limits of my wishes as to my temporal concerns. What reductions in my expences I can make consistent with those objects, I shall most willingly undertake; and further than this I am wholly satisfied that my beloved parishioners will never desire me to go,

After these frank and sincere declarations, I may, I trust, be permitted to state my apprehensions, that with every exertion in my power to make, consistently with what is due to you and to myself, I shall not be able to reduce my annual expenses much below the sum of $2,500. At the same time, considering the present circumstances of my parish, I feel it my duty to submit to any deprivations which the spiritual welfare of the Church requires. I bless God for the increase of our numbers, and especially for the visible growth of piety and devotion, which the influence of his blessed Spirit has produced in the congregation.

I beg through you, my beloved brethren, again to express my full reliance on the disposition of every member of my parish to render my residence among them as free from perplexities as is consistent with the will of my Heavenly Father, to whom I shall not cease to offer my ardent supplications for their temporal and eternal welfare.

I am, with sentiments of unfeigned regard, your most affectionate friend and pastor, SAMUEL F. JARVIS.

To the Wardens and Vestrymen of St. Paul's Church.

As Mr. Wilby was elected the Senior Warden at this period, it becomes necessary, before I proceed in the narrative, to state the circumstances which led to his nomination. It has been already mentioned that for two years, during which Mr. Codman held that office, no one of the Proprietors could be found who was willing to serve as Junior Warden. Mr. Codman having declared his intention to resign at Easter, 1824, it became my duty to nominate a successor. I had in vain applied to my friend Mr. Amory, who from his age and great respectability was the first object of my choice. I had hoped that he and Mr. Shimmin would have consented to serve as Senior and Junior Wardens.—Being disappointed in this, I next endeavoured to prevail on Mr. Shimmin to let me nominate him as the Senior Warden. Here, too, I was disappointed. In a word there was not a single person

in the Vestry who was a communicant and who would consent to serve, but Mr. Wilby. When I came to Boston, I found him a member of the Building Committee, a member of the Vestry, and the chairman of the committee on Music. I had a right therefore to suppose that he enjoyed the confidence of the Proprietors. I had never heard that he had been the subject of church censure among the Baptists. And though he was not exactly the person whom I should have wished to fill the office, it was with surprise I learned after the Easter meeting that my nomination of him had given dissatisfaction to several of the Proprietors.—But to return to my narrative:

My letter of April 19th was not satisfactory to the Proprietors. Nothing short of an unqualified submission to their proceedings of Nov. 6, 1823 would satisfy them. In the report which the Vestry had prepared to make to the proprietors on the third of May, a hope was expressed that they would be able at some future time to make me a full indemnity for the sacrifices I was then called upon to suffer. It was only a hope, not a promise; it was an empty expression of good will, not a pledge. With this I had told them I should be satisfied; because it would have been at least an evidence of kind feelings; yet even this barren hope seemed to be too great a concession. It was stricken out as I understood, on the motion of one of the wealthiest of the proprietors, because he would not suffer me to have even the slightest expectation, that arrearages of salary should ever be paid.* The Report was therefore recommitted to the Wardens and Vestry, with instructions to adjust definitively all accounts with the Rector. This occasioned the following letter.

Boston, May 5th, 1824.

Rev. and Dear Sir,

At the adjourned meeting of the Proprietors of the Church on Monday last the report of the Vestry on your letter of April 19th. and the subjects connected with it were recommitted to them, with instructions to make and report a definitive settlement, as it respects the amount of salary due to you up to Easter, as well as that in future to be paid to you, on the basis of the vote of the Proprietors, of the 6th Nov. last—the report and settlement to be subject to the ratification of the Proprietors.

This course was taken by the Proprietors with a sincere desire of terminating this very painful subject in such a manner as to preclude any future misunderstanding, with a view to your tranquillity, and with the belief that a more definite and precise arrangement than that presented by the Report before them would conduce to the welfare of the church.

To accomplish the first of these objects your account up to Easter will be stated for the purpose of a settlement, by the late Warden and the Treasurer; and your late generous declarations leave us no doubt of your willingness to make such a settlement as must be satisfactory.

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* See note at p. 19.

The Vestry have lately understood in conversation with you, that your reluctance to give an unqualified assent to the Report and vote of Nov. 6th arose in part, or wholly, from an idea that they might be construed as intended permanently to reduce your salary; and they take this occasion to assure you that there was no such intention on the part of the Proprietors, and to express their confidence that the Report does not admit of that construction.

With this assurance, and on a re-examination of the Records of the Proprietors, we feel satisfied that all their acts relative to your salary, including as well the letter inviting you to become their Rector, as their latest doings on the subject, appear consistent in manifesting a disposition to devote to you as great a sum, not exceeding $2,500 per annum, as the income from pews sold will enable them to do.

You are already aware that as fast as the pews of the Building Committee are sold, they become taxable and add to the revenue of the Church, and that in 1833 they will all be taxable, whether sold or not. The exigency on which the Report and vote of Nov. 6th were founded, cannot be expected therefore to continue beyond that period; and in the mean time the late exertion by which, as you have been informed, a sum of about $300 per annum has been voluntarily raised for six years and devoted to the expenses of sacred musick, it was hoped would be viewed by you, as it was intended, as a pledge of the spirit that existed towards you.

It has appeared to the Proprietors that to accomplish a sale of pews is, in every point of view, equally for your interest and theirs; and it seems equally manifest that no sale can be expected if either the taxes are increased, a debt incurred, or if the main item of expense, the salary of the Rector, be uncertain and undefined. It is indeed of the utmost importance to be able to shew to persons disposed to join our Society, that they incur no risk in doing so and that our means are equal to our expenses.

Such were the views of the Proprietors in accepting the Report of Nov. 6th; and with these before you, the Vestry confidently ask you to reconsider your letter of April 19th and to gratify the expectations of the Proprietors by a more explicit and unqualified assent to their wishes and arrangements.

We could not indeed wish you to pledge yourself to any course which at a future time you may regret, but we feel much confidence in recommending to you the one now proposed.

With great respect and attachment, we have the honour to subscribe ourselves in behalf of the Vestry of St. Paul's Church, your friends and obedient servants.

F. Wilby,
James C. Merrill. } *Wardens.*

Rev. Dr. Samuel F. Jarvis.

I could not see the propriety of many of the remarks contained in this letter. It seemed to me to obscure rather than explain the proceedings of the Proprietors. Had I consulted my temporal interests, I should at once have declined giving my consent. The sum which the Proprietors owed me would have more than paid all my debts; and subsequent events have shown that the catastrophe would only have been hastened one year. But believing the declarations of the Wardens that the Proprietors meant not to treat me with any personal disrespect, I considered it my duty to consult the spiritual interests of my flock by relin-

quishing my pecuniary claims, and accepting for the future the sum they had voted to give me. This I did by the following letter.

Boston, May 8, 1824.

MY BRETHREN,

I HAVE received your communication of the 5th inst. and beg leave to express to you how sensible I am of its affectionate and soothing language. With such an explanation as you have given of the vote of the Proprietors, on the 6th of November 1823, I shall not hesitate to give my "assent to their wishes and arrangements."

With the truest attachment to your and their interests, I remain, my brethren, your affectionate friend and pastor,

SAMUEL F. JARVIS.

Francis Wilby and James C. Merrill, Esqs.
Wardens of St. Paul's Church.

On the 10th of May the late Warden and Chairman called and presented me the following account with a receipt in full of all demands. I signed the receipt without reading it. The account purports that a balance of $689 04 was paid me on that day. Instead of this, $300 was paid on the 5th of May to a gentleman who had on the 17th of Dec. 1823, kindly lent me the money, and for the balance of $389 04 they gave me a due bill, without interest. It was not paid till the 5th of January 1825.

The Rev. Samuel F. Jarvis, D. D. Rector of St. Paul's Church, in Account with the Proprietors.

Dr.			Cr.		
1824.			1823.		
April 7.	To various payments made on account of salary, since the last settlement up to this date, as p. receipts and an account already delivered him, - - - - - -	$3,172 08	Jan. 1.	By salary from Easter 1822 the time of last settlement to this date is 8 1-3 months at the rate of $2,500 per annum, is - - - - -	$1,736 12
May.	To cash in full, paid him this day per receipt, - - -	689 04	1824. April. Easter.	By salary from Jan. 1, 1823 to this time is 15 2-3 months at the rate of $1,500 per annum, according to the vote of Nov. 6, 1823, and the consent of Dr. Jarvis, is	1,958 34
				By an additional grant, being the amount of all the net proceeds of the funds of the Church unto and at Easter 1824, in conformity to the above mentioned vote, - - - - - - - -	166 66
		$3,861 12			$3,861 12

With this account they left a copy of the following Report prepared by the Wardens and Vestry. It was left before it was accepted; but it is hardly necessary to add that it was accepted at the meeting of the Proprietors on the 10th of May.

The Wardens and Vestrymen of St. Paul's Church in Boston, to whom was re-committed the late Report of the Vestry on the letter of the Rev. Rector with instructions, &c.

Report:—That a letter under date of the 8th of May has been received from the Rev. Rector, in answer to a communication made to

him by the Wardens in behalf of the Vestry, which is herewith communicated to the Proprietors, in which he expresses his unqualified assent to the vote of the Proprietors of Nov. 6, 1823, relative to his salary; also that a settlement has been made by the Treasurer with the Rev. Rector, up to Easter, 1824, upon the principles of said vote.

Having gained their point, the Proprietors appeared to be satisfied. Every thing remained quiet till Easter 1825. Mr. Wilby frequently expressed the warmest attachment to me, in a manner which forbade my doubting his sincerity. Not six weeks before Easter he declared to a friend, what he had often declared to me, that he considered my connexion with St. Paul's Church and my consequent pastoral relation to himself and family as one of the greatest of his earthly blessings.* How strange that one slight incident should have so altered his estimation of my character, as to change the language of almost unmeasured panegyric, into that of still more unmeasured abuse!

I regret that I have not a copy of the note written to him on the 5th of April. It was Easter Tuesday and I wrote it in the Vestry room on a scrap of paper. Its purport however will be learned from the following correspondence.

Boston, April 9, 1825.

Rev. and Dear Sir,

I regret that it is not in my power to comply with your request, "to send or deposit for you, five hundred dollars."

You are aware that it is not in the power of the Wardens, to authorize the payment to you, of any farther sum, than $1,500, till all the other expenses of the Church are paid; and not then, but by an annual vote of the Proprietors.

After I was chosen Senior Warden, on your nomination, I stated to you, most explicitly, that this arrangement must be strictly conformed to by me; that for the first three quarters $500 should be regularly deposited at your credit (which has been done,) and that for any surplus you would be obliged, necessarily, to wait till all the concerns of the year were closed. On Easter Monday, I stated to you, that I wished the meeting adjourned for a fortnight, as in that time, I thought, that all the taxes would be collected, and all the bills against the Church paid, so that the necessary vote could be passed.

As the course here pointed out is the only one I can pursue, I must beg, my beloved and respected pastor, that you will not again nominate me to a situation, in which from a sense of duty, I cannot comply with all your wishes.

I am Rev. and Dear Sir, most truly yours, F. Wilby.

Rev. Dr. Jarvis.

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* The declaration referred to was in the following terms: "I consider the benefits resulting from my connexion with Dr. Jarvis to me and my family so great, that were we to live the remainder of our days upon bread and water, I should think that we were amply compensated."—At another time he said to the same friend, "I am at a loss for language to describe the delight which I take in the society of Dr. J."—A short time before the difficulties commenced, he was inquiring of a gentleman who resided in the vicinity of Boston, for a house where his family might pass the summer. The gentleman mentioned one to him in a neighbouring town. "That," he replied, "is too far. It is essential to the comfort of me and my family, that we should enjoy our Church and our Minister."

Common St. April 9, 1825.

My Dear Sir,

I have received your letter with surprise; for my recollections of the conversations which I had with you are different from yours.—I understood that I was to receive *punctually* every quarter *five hundred* dollars. It was against the convictions of my own judgment that I consented to the ignominious terms forced upon me by the Proprietors. I felt that I was sacrificing myself for the good of the Church; and it was some alleviation of the sacrifice that I was soothed by the language of hope and friendship. My nature is confiding, and I am too apt to look upon the bright side. But if after all my toil, this is to be my reward; better will it be for me to retire and live in seclusion upon a patrimony which has already been diminished in consequence of my acceptance of my present station. I have done all that I ought to do. St. Paul's is free from debt and is a flourishing congregation. Let it have some other pastor; for I cannot consent to any more humiliation. I have relied upon the faith of assurances, and at this moment have not a dollar to meet the most paltry demand.—Yet the rent of my house is due, and I every moment dread to receive a demand which I have hitherto answered with promptitude.

I am, my dear Sir, very truly yours, Samuel F. Jarvis.

Boston, 15th April, 1825.

Rev. Sir,

On my return from Leicester, I received your letter of the 9th instant.

I would spare your feelings, as well as my own, by avoiding any comment upon its contents; but I should be unfaithful to the proprietors of St Paul's, if I did not repel the imputations contained in it, as unjust and calumnious.

On one point, after full advice, I agree with you entirely: "Let St. Paul's have some other pastor;" for, be assured, Rev. Sir, that this letter has lost, or will lose you, the confidence and respect of your substantial parishioners. With the deepest regret, I say, it has lost mine altogether.

A vestry meeting will be holden at St. Paul's on Monday next at 11 o'clock (being one hour before the Proprietors' meeting,) or sooner, if you desire to make any further communication.

I am, Rev. Sir, with due respect, your obedient servant,

F. Wilby.

To Dr. Jarvis.

Common street, Friday night, April 15.

I am not conscious of having said any thing, Mr. Wilby, which could justly give you offence; and certainly the ties which have subsisted between us uninjured by a word or look, for nearly five years ought to have prevented your writing me such a letter as that which I have just received. I think I know the character of your mind so well, that I may trust to its future operations, both for my justification, and your own self reproach. I forbear, therefore, to make any comments upon your letter, save only the assurance that it has produced in my heart more sorrow than displeasure. Hence it will not prevent me from still subscribing myself,

Affectionately, your friend and servant. S. F. Jarvis.

During all this time not one of the Proprietors came near me. Not one of them told me that there was any excitement. I was in company several times with the Junior Warden, but he did not open his lips. I knew that Mr. Wilby was passionate, but being ignorant that he had been busy from the 11th to the 15th in giving publicity to my letter, I could not believe that he would execute the threat conveyed in his last. On Monday the 18th, however, I was undeceived by the following communication.

Boston, April 18, 1825.

REV. SIR,

I ENCLOSE you a certified copy of a vote of the Proprietors of St. Paul's Church, passed this day, concerning the late correspondence between Mr. Wilby, the Senior Warden and yourself; also a like certified copy of the vote appointing a Committee upon that subject.

The Proprietors adjourned the meeting until Monday next at 4 o'clock, P. M., in order to receive the report of their Committee.

Should you think proper to make any communication to the Committee, either verbally or by letter, they will be ready to receive it, at the time and place most agreeable to you, previous to the next meeting of the Proprietors.

With all due respect, I am, Rev. Sir, your most obedient servant,

STEPHEN CODMAN, *Chairman of the Committee.*

Rev. Samuel F. Jarvis, D. D. Rector of St. Paul's.

At a meeting of the Proprietors of St. Paul's Church in Boston held April 18th, 1825.

The Senior Warden having laid before the Proprietors, a Correspondence between himself and the Rev. Rector on the subject of salary under dates of 5th, 9th, and 15th of April,

Voted, that the Proprietors approve of the letter of Mr. Wilby of the 9th inst., and that the answer of the Rev. Rector of the same date does not appear to the Proprietors to be justified, nor to have been called for by any thing contained in said Letter, nor by any act of the Proprietors.

Voted, that the correspondence above mentioned be referred to Messrs. John Odin, Stephen Codman, John C. Warren, Eliphalet Williams and William Shimmin, with power to confer with the Rev. Rector, and report thereon at the adjourned meeting.

Adjourned to Monday 25th inst. 4 o'clock, P. M.

Attest, H. CODMAN, *Proprietors' Clerk.*

Dr. Jarvis has the honour to acknowledge the receipt of Mr. Codman's note enclosing the proceedings of the Proprietors of St. Paul's Church, and will be happy to receive their Committee at his study, tomorrow morning at nine o'clock. If that hour should be inconvenient to the Committee, any other which Mr. Codman may appoint will be equally agreeable.

Common Street, Monday evening.

Previous to my seeing this Committee, I wrote the following letter to the Proprietors, and the next day the letter to the

Chairman of the Committee. The other two are here inserted as being in the order of time.

Boston, April 19, 1825.

GENTLEMEN,

ON the 8th of May, 1824, I gave my assent to your vote of Nov. 6, 1823, with the explanations which had been given in the letter of the Wardens of May 5th to which mine was an answer. I supposed that when this was done, and I had signed the settlement subsequently offered to me by the Committee appointed for that purpose, there would be no occasion for any further discussion of this to me most painful subject. As I have never made any other communication to the Proprietors, I have yet to learn the propriety or necessity of reviving it on the present anniversary.

From the time in which he accepted the office of Senior Warden, Mr. Wilby and myself were on terms of the closest intimacy and, as I supposed, friendship. Feeling myself perfectly safe in doing so, I spoke and wrote to him on all occasions without restraint, and as we could not always be together, notes constantly passed between us of the most free and colloquial character. Such were the letters which as it appears from your communication, he has laid before you. They were strictly private and confidential, and as such ought never to have been made publick. The first was written immediately after I had received what I considered as a hasty note on his part; and it was written in the free and unguarded manner in which I would have spoken to him. Such communications ought always to be construed, as conversations between intimate friends should be. All confidence would be banished if, on such occasions, words were to be weighed and measured, as in formal and official papers. My letter had no connexion with the proceedings of the Proprietors. It was an expression of private opinion. It alluded entirely to conversations had with Mr. Wilby, and to pledges of private friendship; and by these alone can it be explained. It would be obviously improper, therefore, for me to enter into any publick and official explanation of its contents. I am perfectly willing, however, to converse with any individuals of my parish, respecting all the transactions which have occurred between me and Mr. Wilby. Since the sanctity of private friendship has been violated, I consider the letters alluded to, as no longer his, but mine, and as such you will I trust do me the favour to direct your Secretary to return them to me.

I cannot forbear remarking, Gentlemen, that such discussions between a clergyman and his parishioners are very injurious to the Christian character, and are unworthy both of *you* and of *me*. If your records must go down to posterity laden with so unhallowed a burthen, let them at least bear along with them, the solemn appeal of your Rector to the Searcher of all hearts, that his great object has been to promote the salvation of your immortal souls, and although not indifferent upon the subject of a proper maintenance in his arduous office, that he has not sought yours but you.

I enclose a receipt in full for my salary during the last year, and remain, Gentlemen, with affectionate interest, your faithful pastor,

SAMUEL F. JARVIS.

To the Proprietors of St. Paul's Church.

Boston, Easter Monday, April 4, 1825.

RECEIVED from the Proprietors of St. Paul's Church, by the hands of Mr. Francis Wilby the Senior Warden, the sum of $1,500, being in

full for my salary as Rector of St. Paul's Church, during the year ending this day.

SAMUEL F. JARVIS.
Rector of St. Paul's Church, Boston.

Boston, April 20, 1825.

SIR,

THE enclosed communication to the Proprietors of St. Paul's Church was prepared before I had the honour of receiving their Committee. For reasons therein assigned, I have entered into no explanation of my letter to Mr. Wilby; but as from your conversation I have learned the grounds of offence taken from some of its expressions, and my declining to explain them officially, may be construed into an unwillingness to meet the subject, I take the liberty of addressing this letter to you, with the design of having its contents communicated to the Proprietors in any way you may think proper.

I have stated to the Proprietors the circumstances under which that letter was written, and which fairly entitle me to the indulgence usually given in cases of private conversation and confidential correspondence. But I shall waive that privilege, and lay no claim to indulgence. My expressions shall be judged as severely and as rigidly, as they ought to be if deliberately chosen and designed for publicity.

The first expression which you mentioned as having given offence, was this: "that against the convictions of my own judgment, I consented to the ignominious terms forced upon me by the Proprietors." I used the term ignominious in relation to myself, not to the Proprietors; and in relation to the effect of their measures, not the measures themselves. Measures really just and right may be very ignominious in relation to the person who suffers from them. I disclaim all idea of imputing unworthy motives to the Proprietors, all of whom I have considered as my personal friends. Nay more:—the explanations given me by the Wardens in their letter of May 5, 1824, convinced me that the Proprietors had no design to wound my feelings by their vote of Nov. 6, 1823. If this vote had not been known beyond the precincts of my own parish or even out of Massachusetts, it would not have produced the humiliating effect upon my mind which it did. But my excellent parishioners cannot know as I do, how different the habits and institutions of New England are, in matters of this nature, from the habits and modes of thinking which prevail where, before the revolution, the Church of England was by law established. The circumstances relating to the establishment of St. Paul's Church, have produced a deep interest in its welfare among the clergy and laity of our Church throughout the United States. It is no exaggeration to say that it has been for a while the most prominent object of attention of all the Churches in the Union. Its affairs, therefore, are generally known and canvassed. I knew better than any of my parishioners could know, the effect which the knowledge of the vote of Nov. 6, 1823 would have upon the clergy and laity in the States south of New England. They would inevitably construe it into an act of personal disrespect to me, or as an evidence of the declining condition of the Church under my ministration. In both cases the effect upon my reputation, unless it should be counteracted, would be degrading. Sensitiveness to my professional reputation, ought not, I should imagine, to be imputed to me as a weakness or a fault.

All this would have been prevented, if the Proprietors had consulted me before they passed that vote, or if, when it came to my knowledge which it did not till some time in the subsequent year, they would have

listened to the propositions which I was desirous to make for its repeal, and the substitution of another which would have been the same in substance, but somewhat different in form. I wished to have had the vote of the Vestry of March 5, 1821, to be considered as the fixed and unalterable terms of settlement; but that, at the expiration of each year, the same mode of balancing accounts should take place, which was pursued at Easter 1822.* That is to say that after all the expences of the year were paid, if the balance should fall short of $2,500, there should be an annual relinquishment on my part of such sum as the parish might be unable to pay me. In this way, while my salary would have been nominally the same, the parish would have sustained no inconvenience. There would have been no ostensible change. The clergy and laity in other States would not have known that we were embarrassed with any difficulties, nor could they have suspected for an instant that the Rector of St. Paul's had lost the confidence or the affection of his people. All this would have been effected if the Proprietors could have realized the honesty of their Rector's motives, and conformed in this slight particular to his wishes. But to my great surprise my motives were misunderstood, and it was imagined, I cannot repress my astonishment, for my whole life presents a contradiction to the thought—it was imagined that I was tenacious of a paltry sum of money. The habits and institutions of New England, arising from the manner of its settlement, have produced a jealousy of any connexion of a clergyman with legislation concerning the temporalities of a parish, which does not exist in other States. In New-York, all business is done by the Vestry, never by the parish at large; and by the general statute of that State for the incorporation of Episcopal Churches, (drawn up by General Hamilton) the Rector is made so essential a part of the Vestry that no business can be done without him. Of course, coming from that State and accustomed to that practice, I could not imagine the existence of such a feeling as I found was excited by my saying any thing on the subject of salary. But finding that this feeling did exist, that my motives were thus misunderstood, and knowing how difficult it is to overcome the excitements of popular sensibility, I sacrificed my own wishes and submitted to those of the Proprietors. At the same time, my views of the subject were not altered. I knew better than the Proprietors could know how their proceedings would be viewed by my brethren in the other parts of the Union. I am still of the same opinion, that the course of procedure, which I have mentioned as consonant to my wishes, would have been the best for the Church, as well as the most reputable to myself; but I should not have opened my lips again on the subject if it had not been thus unnecessarily revived. When I spoke to Mr. Wilby I thought I was speaking almost as to another self.

You will here permit me, Sir, to notice an expression which fell from yourself during my interview with the Committee. You spoke of "feelings rankling in my bosom." If words are to be weighed and measured, "rankling" is much more exceptionable than "ignominious." The latter is susceptible of two senses, and two applications; the former can be understood only in one. We speak of *vindictive* and *impure* passions when we use the term "rankling." Your words therefore conveyed a most unfounded and injurious imputation. There is not an individual of my parish for whom I do not feel a warm affection. I may be wounded by the proceedings of the Proprietors. I may be grieved by the unkindness of one whom I considered my friend; but towards neither do I feel any of those passions which poison and corrode the springs of human action.

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* See page 12.

The second expression mentioned to me as having given offence was the following. "Let St. Paul's have some other pastor; for I cannot consent to any more humiliation." It seems to have been inferred that I designed to express my intention of leaving my parish, and that it was in fact a virtual tender of my resignation. No such idea could for one moment have been entertained if the nature of the letter had been properly considered. Should the time ever arrive when I must have the affliction of breaking the ties which bind a pastor to his flock, I shall never have recourse to indirect or private methods. There is but one mode pointed out by our Canons of dissolving the pastoral relation, whether it be desired by the congregation or by the clergyman. The official tender of resignation must be made with the knowledge and consent of the congregation to the Bishop. The letter being viewed as a private communication, the meaning of my words will be fully apparent. With the Proprietors the whole difference,—if difference it might be called, when the question simply was whether the form of proceeding should be, that they should voluntarily pay me the overplus of $1,500, or I should voluntarily relinquish to them, the deficit of $2,500;—be that as it may,—the whole difference had been definitively settled the last year. From them, therefore, I did not and could not expect "any more humiliation." I wished to forget what had passed, and for this reason desired never to hear it spoken of. Mr. Wilby knew my feelings, and once told me rather bluntly that he looked upon them as a weakness. I replied that if they were so they ought to be respected; and I requested him as a friend never again to mention the subject. After such a request, I considered it as wanton and indelicate in his note of April 9th to introduce what he must have known would give me pain. My object, therefore, was to prevent, by a strong expression, the recurrence of any such conversation or correspondence. There was no occasion for it, because when I asked him to make a deposit of $500, it had no reference to the votes of the Proprietors or the amount I might receive at Easter, but to a private accommodation in order to meet my rent and a debt which I owed to Mr. Wilby himself. And here I beg leave to remark, that all the expressions in the beginning of my letter related to a private promise which Mr. Wilby had given me, and not to any transactions of the Proprietors. I understood him to say, in reference to the payment of my rent, that as long as he was Warden I might depend upon receiving from him "*punctually every quarter*," (these were his very words, and therefore I underscored them, and I might have added what I am confident he said, the *first day* of every quarter) five hundred dollars. But this was a matter of private accommodation, for which I certainly did not consider the Proprietors to be responsible. I felt grateful to Mr. Wilby for what I considered as an act of gratuitous kindness and generosity; because if he had confined himself to the letter of the vote, he could only have given me the one fourth of $1,500. I take pleasure in expressing on this occasion my obligations to Mr. Wilby, because I have ever found him, this one instance excepted, acting the part of a generous and disinterested friend.

One of the greatest sources of regret, at the unnecessary publicity of this letter, is the apprehension that it may be understood as an act of complaint or vain glory. I might with propriety, in the confidence of private friendship, speak of sacrifices and toils, the diminution of property, and the embarrassment of claims which could not be answered, because the individual to whom I wrote knew my past and present situation almost as intimately as I knew it myself; but to speak publickly of such things would be inconsistent with my views of dignity or propriety. My only hope is that the Proprietors will see from this very circumstance how much reason I have to consider myself injured by this proceeding of the Senior Warden.

I have only to add in conclusion, the expression of my unhappiness at finding that after a residence of nearly five years in Boston, my character is so little understood as it appears to be from the votes which you were appointed to communicate.

I have the honour to be with respectful consideration, Sir, your obedient servant, SAMUEL F. JARVIS.

Stephen Codman, Esq. Chairman of the Committee of the Proprietors of St. Paul's Church.

Boston, April 19, 1825.

REV. SIR,

IN pursuance of a vote of the Vestry yesterday, I enclose you the Treasurer's check for $400.

I think the Treasurer's account will be liquidated in the course of the week, when the final balance will be transmitted you.

I am, Rev. Sir, with due respect, your most obedient servant,

F. WILBY.

Dr. Jarvis.

P. S. Be pleased to send a receipt by Henderson. F. W.

Boston, April 19, 1825.

SIR,

YOU will excuse me from receiving the enclosed $400. I have no demands upon St. Paul's Church, having already signed a receipt in full for $1,500, which will be presented to the Proprietors at their adjourned meeting.

I am, Sir, with due respect, your obedient servant,

SAMUEL F. JARVIS.

The letter to the Proprietors and that to Mr. Codman I did not send till Saturday the 23d, and in the mean time, I addressed a note to one of the most influential gentlemen in the church, requesting an interview. Not one of the Proprietors, as I have observed, had come near me. When, therefore, I received a kind note in reply, it seemed to be the soothing voice of friendship. As the conversation which ensued threw more light upon the whole subject than it has received from any other source, I shall here insert from my memoranda such parts as appear to me important. The fidelity of the narrative obliges me to give the relation in his own words, even where his remarks were personal and complimentary.

After I had read to him a copy of my letter to the Proprietors and that to Mr. Codman, he asked me if I wished him to speak freely to me. I replied, certainly. I sent to you as my friend. Am I mistaken in this confidence? Are you not my friend? "I am." Then of course I expect you to speak to me without reserve: "Well then, Sir, you do not suppose that *this trifle* (these words were spoken with great emphasis) is the *real* cause

of the difficulty. I have made it my business since I received your note to converse with the gentlemen interested in the concerns of the Church, and I find that they have lost their confidence in you." Astonished at this declaration, I paused and at length said, "Lost their confidence in me! Who have lost their confidence?" "They tell me" said he, "that all the Proprietors have." I paused again and then said, "Allow me to ask you, have the Proprietors any objection to me, as a man, as a Christian or as a Christian minister?" "None at all Sir," he replied. "They all know, at least I well know, how great have been your labours, and how devoted you have been to the poor, the afflicted, the sick and the dying." "What then is their objection?" "It is to your sentiments, which may do very well in the Middle States, but are not suited to the character of the people of Boston." Upon my asking to what sentiments he alluded, he said with regard to the Church service, its length, and my unwillingness to shorten it. I took up the Canons from my table, and turning to the Constitution, read the declaration of conformity to the worship of the Church which every clergyman makes at his ordination.* "This," I observed, "is tantamount to an oath. Could you respect me,—could any member of my parish respect me—if I were to violate it?" He replied, "But Dr. Gardiner's Church is full, and there are no complaints of the service being too long at Trinity." "It is not," said I, "my province to accuse Dr. Gardiner; but would my parishioners wish me to be in all respects like him? There is not a clergyman in the United States like him." No remark being made in reply, I added, "The time I occupy in reading the morning service rarely exceeds an hour, and I doubt whether you will find any regular clergyman who reads it faster. It is possible you may find one who will violate his obligations by mutilating the liturgy, but would such an one be acceptable in St. Paul's?" To this he made no reply. After another pause I observed, "It would be too delicate a question to ask, whether you would remain attached to my ministration, but I may ask, whether you are determined to remain attached to the Protestant Episcopal Church?" To this inquiry he answered in the affirmative, but after a pause, added: "Not that I think much of these forms." "Perhaps," said I with a smile, "you do not think much of Episcopacy." He shrugged his shoulders and with a smile expressive of indifference, replied, "Why no." "Here then is the difference between us" said I. "I am a

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* No person shall be admitted to Holy Orders until he shall have been examined by the Bishop and by two Presbyters, and shall have exhibited such testimonials, and other requisites, as the Canons in that case provided may direct; nor shall any person be ordained until he shall have subscribed the following declaration: "I do believe the holy scriptures of the Old and New Testament to be the word of God, and to contain all things necessary to salvation: And I do solemnly engage to conform to the doctrines and worship of the Protestant Episcopal Church in these United States." No person ordained by a foreign Bishop shall be permitted to officiate as a Minister of this Church, until he shall have complied with the Canon or Canons in that case provided, and have also subscribed the aforesaid declaration.

Churchman from principle, and think that Episcopacy and a Liturgy are essential to the well-being of the Church, and to the preservation of good order and sound doctrine. You have taken a load from my breast; for if there are no objections to me as a man, a Christian, and a Christian minister, and the only objection is that I am a Churchman, I can rise superiour to it all.—But what do you advise me to do?" To this he said: "You had better go into the Middle States. Your talents will readily command a station equal if not superiour to what you now hold; and you will be much happier there. *The Proprietors of St. Paul's Church have given you a sufficient reason to assign for leaving them, by having reduced your salary.*" "Pardon me for differing from you. If I were a poor man dependent upon my salary only for support, the reduction of it would be a sufficient reason; for if the alternative were to go, or to starve, every one would justify a clergyman for retiring from his charge; but if *I* were to go, it would be attributed to mercenary motives." I paused, but as he was silent, I continued: "I was in possession of a most honourable station at New York, with a larger salary than that which I was to have received at Boston. The Proprietors invited me to leave it. I came and have laboured like a slave for five years; and now, because they are disappointed in the sale of their pews, am I to be cast aside like an old shoe, without ceremony—with indifference?"—To this he made no direct answer; but after a pause said, "Consider the consequences if you do not go now.—*The gentlemen think they have given you a sufficient reason to go by having reduced your salary. They are resolved that you must go, and if you do not, the next thing will be that they will attack your moral character.*"

From this conversation, the whole truth seemed at once to flash upon my mind. I was convinced that there had been a design for some time to bring about a separation between me and my parish; that the reduction of my salary had been one of the measures concerted for this purpose; and that the persons concerned in it only sought a pretext for its accomplishment, which they supposed they had found when my letter to Mr. Wilby of the 9th of April was divulged. Whether I am correct in this opinion, it must rest with their own consciences to determine.

On Monday the 25th of April, I set out for New York, and on that day a meeting of the Proprietors was held. One of the gentlemen on the Committee appointed the 18th of April declined serving; and he assigned as a reason for this to a friend of mine that *he knew the Committee had been raised for the express purpose of bringing about a separation.* In consequence of my departure, the meeting was adjourned to the 23d of May.

On the 12th of May I returned from New York, and on Monday the 16th had an interview by appointment with another of the Proprietors in the Vestry Room. This conversation, of which I have preserved copious memoranda, but which I omit for the sake

of brevity, strengthened the impression made by the conversation which I have just given.

During my absence the greatest efforts had been made to prepossess the public mind. Those Proprietors who had never taken any active part in the affairs of the Church were visited, and either rendered neutral, or converted into partizans, by the representations made. My friends were told that any attempt to defend, would only injure me; that I would not dare to meet an investigation of my conduct; and that out of tenderness to me the best that could be done was to induce me to leave the parish as quietly as possible. Mr. Wilby the Senior Warden was heard to say, that "they had opened the door for me, and if I went out peaceably like a gentleman it was very well; if not they would kick me out." So deeply did the proceedings of the Wardens and some of the Vestry, wound my character, that in the opinion of some of the truest and soundest members of our Church, it was no longer optional with me what course to pursue. "You wish Dr. J. to hang himself that he may avoid being hanged," was the emphatic answer made to one of my opponents who expressed the hope that I would at once resign. My own reputation, therefore, forbade me to resign; and I determined quietly but firmly to meet the storm.

On the 23d of May, the Committee raised on the 18th and 25th of April made the following report:—

The Committee to whom were referred the Correspondence of the Rev. Rector of St. Paul's Church with the Senior Warden under dates of the 5th, 9th and 15th April—together with the letter of the Rev. Rector to the Proprietors of the 19th, that to the Chairman of this Committee of the 20th, and also that to the Senior Warden of the 19th April returning the Treasurer's Check for $400.

Report:—That they have considered the subject with the care and solicitude which it deserves; and under the circumstances in which this Church has been placed, they find great cause deeply to lament the occurrence of a correspondence, such as the Senior Warden has, in the fulfilment of a duty which he owed to them, laid before the Proprietors.

The note of the Rev. Rector of the 5th April, may be considered private and unofficial, although the Senior Warden, in his reply of the 9th, does not appear to have viewed it in that light; for that reply, in the opinion of the Committee refers directly to his official character. The letter of the Rev. Rector in answer of the same date (April 9th) in the opinion of the Committee does not contain any thing indicating a distinct intention at the time to have it considered confidential. But whether official or private it contained sentiments, and the evidence of feelings towards his Parishioners, highly important for them to know. The Committee therefore cannot, in the present state of things, recommend to the Proprietors a compliance at this time with the request of the Rev. Rector to order the Clerk, to return to him his letter of the 9th April.

The Committee feel assured that the Rev. Rector, in sending to the Proprietors a receipt, in full of his salary for the past year for the sum of 1500 dollars and in returning the Treasurer's Check for 400 dollars—the balance on hand voted him by the vestry—has mistaken his own

rights and misinterpreted the vote of Nov. 6, 1823, with the explanations that have been given of it. The sum of 400 dollars when voted, became as much a part of his salary as the sum of 1500 dollars below which he was guaranteed that his salary should not fall. Wherefore your Committee recommend that the receipt in full for 1500 dollars be respectfully returned to the Rev. Rector and that it be signified to him that the sum of 400 dollars awaits his order in the hands of the Treasurer.

The Committee are grieved to find themselves constrained to say that they cannot consider the letter of the Rev. Rector to the Proprietors under date of April 19th, nor that to the Chairman of this Committee under date of April 20th, as removing the unhappy impressions created by his letter of the 9th April to the Senior Warden. Language such as he has seen fit to use respecting the Proprietors must be its own interpreter. He appears, by that letter, to be suffering under a sense of wrong from the measures of his parishioners; and all the assurances and explanations offered him, from time to time, seem to have had no real effect in removing the unfavourable impression which he at first received, nor to have altered his first view of their proceedings.

If the Proprietors had indeed *forced* upon the Rev. Rector terms which, even in relation to their effects, could justly have been called ignominious—or if they had *forced* upon him any terms, it would, at the time perhaps, have been a full justification of the expression "let St. Paul's have some other Pastor." But the Committee cannot perceive how the reminding him of those measures of the Proprietors, at a subsequent period, by an individual and in a confidential correspondence, as he contends was the case here, could be viewed by him as a humiliation sufficient to justify harsh expressions, involving the welfare of all his Parishioners.

By the letter of the Rev. Rector of Dec. 5, 1822, he freely and voluntarily consented to a reduction of his salary, and the terms of which he now complains are founded on that letter. No force appears ever to have been resorted to except that of reason and the apparent strong and pressing necessity of the case; which at that time seemed to induce him to believe that his own interest, as well as that of the Church, required that all expenses should be diminished.

In the opinion of the Committee the consent of the Rev. Rector to a reduction of his salary was honourable to him; and they cannot comprehend how the vote of the Proprietors founded on such consent was capable of being viewed in any portion of the United States as evidence of a failure of respect towards him on the part of his congregation. Strong evidence existed to the contrary. With the special view of inviting him to become its Pastor, the Proprietors had erected for him at an expense unequalled in New England, a Church, which to use his own words "has produced a deep interest in its welfare among the Clergy and laity of our church throughout the United States." Through their exertions he was thus enjoying a most distinguished opportunity of usefulness and honour. And during nearly five years that he has been their Pastor, he has actually received a sum which amounts within a fraction to the rate of $2,000 per annum. A salary, it is believed, considerably above the average of those paid to the other Clergymen of this city.

The Committee forbear to call the attention of the Proprietors to many considerations connected with the subject. They would rather, were it possible, soothe the wounded feelings of the Proprietors. But they are conscious that in relations so delicate as those subsisting between a Clergyman and his Parishioners it would be vain to attempt to restore a harmony thus interrupted. They consider that the peace of

the Church has received a deep wound; that the confidence which ought to exist between a Pastor and his flock is essentially interrupted; and that the usefulness of the Rev. Rector among us is unhappily greatly diminished.

Not that your Committee believe that there is any thing vindictive or unforgiving in the spirit which has been called forth by the expressions of the Rev. Rector; but they cannot resist the conviction that it is useless to hope that the opinions of the Rev. Rector and the Proprietors can ever be brought to coincide upon the course of measures and events which have brought about the present estrangement—or that they can ever proceed together hereafter with that union and confidence indispensable for the welfare of the Church. Which is submitted.

(Signed) JOHN ODIN,
ELIPHALET WILLIAMS,
WILLIAM SHIMMIN,
M. S. PARKER,
H. CODMAN.

Attest. H. Codman, *Clerk.*

There were present at this meeting 31 persons. No opposition probably was expected. There was however so much, that the Report was laid on the table, and the meeting adjourned till the 7th of June. By this time the Chairman of the B. C., who had involved the Church in so much expense; who had been so active in obtaining from me the letter of Dec. 5, 1822; who proposed the plans adopted on the 16th of that month, which led to the proceedings of Nov. 6, 1823; and who was thus the ultimate cause of every difficulty:—this gentleman had returned to Boston after an absence of two years. On the 7th of June, he was the most prominent member of the opposition; and by his advice, and on his motion, the following proceedings were then had.

At a meeting of the Proprietors of Saint Paul's Church in Boston held by adjournments from the annual meeting, on Tuesday, June 7th, 1825.

Voted:—That the Wardens and Vestry be requested to communicate to the Rev. Dr. Jarvis a copy of the Report now on the table, with such views of the existing state of the Church respecting the subject matter of this report and such other communications in relation thereto, as, in their judgment, they may deem most kind and respectful towards him, and for the best interests of the Protestant Episcopal Church in general, and this Church in particular; to which we shall ever feel ourselves warmly attached and whose prosperity and usefulness we are desirous to promote.

True copy, Attest, HENRY CODMAN, *Clerk of the Proprietors.*

Boston, June 7, 1825.

REV. AND DEAR SIR,

AT a meeting of the Proprietors of St. Paul's Church, held this day, it was resolved, that a copy of the Report of their Committee, offered on the 23d ult. and on this day taken up for consideration, be transmitted to yourself, and the meeting stands adjourned to receive

any communication you may wish to make, until Friday next at 4 o'clock, P. M.

In transmitting this copy, we feel it our duty to state with frankness, that we have no doubt of its acceptance by a large majority; and we earnestly entreat you to consider the consequences to the Protestant Episcopal Church, to yourself, and to this Church, of placing such a document, with the letters therein referred to, upon the records of St. Paul's.

We are all deeply interested in the maintenance of this most valuable institution, and that you are equally so, neither of us can doubt. For ourselves, we desire it may be understood, that we are resolved to maintain it in all its purity and usefulness. We deem this a sacred duty, to which we stand pledged; and no considerations, we humbly trust, will lead us from the course its obligations impose upon us.

We enclose with this, a copy of the vote authorizing this communication, and remain, Rev. and Dear Sir, with every disposition to preserve the most friendly relations with yourself, your respectful Wardens and Vestry.

In behalf of the Wardens and Vestry,

JAMES C. MERRILL, *Junior Warden.*

Rev. Dr. Jarvis, Rector of St. Paul's Church, Boston.

At a meeting of the Vestry of St. Paul's Church in Boston, June 7th 1825.

Voted:—That the foregoing communication be signed by the Junior Warden in behalf of the Wardens and Vestry and presented to the Rev. Rector.

Attest, HENRY CODMAN, *Clerk.*

I saw clearly the object of this measure, and after consultation and advice, returned the following answer.

Boston, June 9, 1825.

MY BRETHREN,

I ACKNOWLEDGE the receipt of your letter of June 7th conveying to me the vote of the Proprietors of St. Paul's Church, passed that day, and a copy of the Report to which it refers.

I have read that Report with much attention, and yet I frankly confess my inability to determine, either from that or from your letter, what the Proprietors as a body, or you as their representatives, wish me to do. Suffer me then to request of you, my Brethren, to tell me distinctly and explicitly, what the wishes are of that "large majority" of the Proprietors who, you inform me, are prepared to accept the Report? Is it their wish to bring about a separation and dissolution of all sacerdotal relation between me and the congregation committed to my charge? If such is their wish, will they be pleased to say so, and to inform me on what terms they propose that separation? If such is not their wish, will they have the kindness to tell me that it is not, and what they require from me in order to heal the wound the existence of which, the Report of their Committee affirms? An early answer to these inquiries will oblige me, and will be attended to, as soon as practicable.

Peace and harmony should be promoted by all Christians if it be possible, and as much as in them lieth. Be assured then, my Brethren,

that I feel a strong desire to meet the wishes of the Proprietors, so far as I can do it consistently with a sense of duty.

I am, my Brethren, with Christian regard, your servant for Jesus' sake. SAMUEL F. JARVIS, *Rector of St. Paul's Church.*

This was sent on the 10th of June, at 12 o'clock, to the Junior Warden. His absence prevented his receiving it 'till a short time before the meeting of the Proprietors, in the afternoon. Little more than an hour afterwards, a Committee of two gentlemen presented me the following letter from the Wardens and Vestry.

St. Paul's Church, Vestry Room, 4 o'clock, P. M. June 10, 1825.

REV. SIR,

THE Wardens and Vestry of St. Paul's Church in Boston, have only this moment received your letter under date of yesterday, in which you profess to be unable to determine, either from the Report transmitted to you, or from the letter of this body of the 7th, what the Proprietors wish you to do in relation to the unhappy difference existing in the Church.

It is not the province of the Wardens and Vestry to point out to you what course you ought to pursue on this occasion, or what would be most expedient as it respects yourself and the Church. But we feel it our duty to reply to your demand, that it is our firm belief that no other course than a separation and dissolution of all sacerdotal relation between their Rev. Rector and the Proprietors of St. Paul's Church, can heal the wound, the existence of which, that Report affirms.

As to the terms on which such separation should be founded, the Vestry give no opinion, except that they believe that it is the wish of the Proprietors that your honour and interest should be properly consulted.

With respect, your most obedient servants, the Wardens and Vestry of St. Paul's Church, by JAMES C. MERRILL, *Junior Warden.*

Rev. Dr. Samuel F. Jarvis.

I took the letter and laid it on the table, replying, "I will attend to it, gentlemen." "The Wardens and Vestry and Proprietors are now in session and ask for an immediate answer." "It is impossible for me to give an immediate answer." "Will you send one this afternoon?" I paused and said, "Have the goodness to be seated, Gentlemen, and I will read it." After reading it, I returned into the room and said, "I must decline all conversation, Gentlemen, but will give you in writing, if you desire it, that it is impossible for me to answer a letter requiring such grave deliberation immediately." I added, that if the Wardens and Vestry and Proprietors would adjourn to any time they pleased, I would send them an answer. To this one of the gentlemen replied: "You will allow me to observe Sir, that the Proprietors think they have allowed time enough."

Late on Saturday evening the 11th of June, while I was preparing for the duties of the approaching Sabbath, I received the following communication.

Boston, June 11, 1825.

Rev. Sir,

The Wardens and Vestry of St. Paul's Church in Boston, have the honour to transmit to you an attested copy of the proceedings of the Proprietors at their meeting of the 10th of June current. By the Report of the Committee made on the 23d ult. an attested copy whereof has been laid before you and which is now accepted without amendment, you will perceive that your receipt in full of your salary for the sum of $1,500 is to be respectfully returned. The Wardens and Vestry herewith enclose that document, and beg you to resume it, as given under a misapprehension of the effect of the vote of Nov. 6, 1823, with the explanations given you and your assent thereto; and they beg leave to add, that the sum of $400 appropriated to you by a vote of the Vestry of April 18th, and which you returned to the Senior Warden in your letter of the 19th April, remain in the hands of the Treasurer subject to your order and is justly yours.

In consequence of the vote of the Proprietors of yesterday, and in pursuance of the authority delegated to them, the Wardens and Vestry respectfully call your attention to the subject of a dissolution of your pastoral connexion with St. Paul's Church in Boston, which is unhappily made necessary for the peace of the Church. The Wardens and Vestry would be considered as duly appreciating your readiness to meet the exigencies of the Church, and to unite your efforts with theirs to promote its prosperity, when they request you, as they now respectfully do, to join with them in requesting the Right Rev. Bishop of this Diocese to concur in a dissolution of the connexion subsisting between you and this congregation, on such terms and conditions as may appear reasonable and proper, under the circumstances of the case,

The Wardens and Vestry propose to adjourn their meeting to Tuesday next at 9 o'clock, A. M. previous to which it is desirable that they should receive an answer to their request. With sentiments of due consideration and respect, they have the honour to be your most obedient servants. The Wardens and Vestry of St. Paul's Church, by

James C. Merrill, *Junior Warden.*

To the Rev. Dr. Samuel F. Jarvis, Rector of St. Paul's Church.

At an adjourned meeting of the Proprietors of St. Paul's Church, in Boston, held by adjournments from time to time from the annual meeting, on Friday, June 10, 1825.

The Junior Warden, J. C. Merrill, Esq. presided, in the absence of the Senior Warden.

The Record of the last meeting was read.

The Warden in behalf of the Wardens and Vestry reported that, in obedience to the directions of the Proprietors, a letter under date of June 7th, which he read, was addressed to the Rev. Rector by the Wardens and Vestry, and that an answer thereto, under date of yesterday, has been received a quarter of an hour before the time of this meeting, which answer he also read. Also that the Wardens and Vestry have sent a Committee to the Rev. Rector with a reply thereto, which reply was read, and that said Committee are now on that duty and will report to the Proprietors.

After a few minutes the Committee, Messrs. Sullivan and Shimmin came in and reported in writing, stating in substance, that they found the Rev. Rector at home, delivered to him the letter of which they were

the bearers; that he read it and said, that it was impossible for him to reply immediately.—Whereupon,

Voted:—That the Proprietors approve of the doings of the Wardens and Vestry and of their Committee, and do accept their Reports.

The Report of the Committee on the correspondence between the Rev. Rector and the Senior Warden, and on the letters of the Rector to the Committee and to the Proprietors in relation thereto, &c. which Report was made to the Proprietors at their meeting of the 23d ult., an attested copy whereof has been transmitted to the Rev. Rector, was then taken up.

It was moved that, when the question on the acceptance of said Report is taken, it shall be by yeas and nays, which motion was negatived.

On the main question being then taken, the Report was accepted. Whereupon:—

Voted:—As the sense of this meeting, that the difficulty subsisting between the Rev. Dr. Jarvis and the Proprietors of St. Paul's Church in Boston, is not in any degree removed; that the controversy has proceeded to such lengths as to preclude all hope of its favourable termination, and of his future usefulness; and that a dissolution of the connexion which exists between him and the Proprietors, the Vestry and congregation, is indispensably necessary to restore the peace and promote the prosperity of the Church: and with the deepest regret for the necessity of the measure, it is further resolved: that the proper application be made by the Wardens and Vestry, to the Rt. Rev. the Bishop of this Diocese, for such proceedings under the Canons of the Church, or otherwise, as will effect the separation of our pastor from St. Paul's Church, in the manner most kind and considerate towards him and most likely to preserve the best interests of the Protestant Episcopal Church in general, and this Church in particular. And to this end the Wardens and Vestry are hereby empowered to take all measures requisite to effect this object, according to their best discretion. And they will make report of all their proceedings to the Proprietors as soon as may be after the separation shall be decreed.

Voted:—That the Wardens and Vestry be directed to communicate to the Rev. Rector the doings of this meeting. The meeting was then dissolved.

Attest, H. CODMAN, *Clerk of the Proprietors, St. Paul's Church, Boston.*

On Monday I returned the following answer:—

Boston, June 13, 1825.

GENTLEMEN,

I HAVE the honour to acknowledge the receipt of your letter of Saturday the 11th inst. which was conveyed to me that evening, and which enclosed "an attested copy of the proceedings of the Proprietors at their meeting of the 10th of June current." As the Proprietors have resolved that an application be made to the Bishop for the purpose of effecting a separation between me and my parish, it remains only for me to meet an investigation of my conduct according to the Canons of the Church. This I am perfectly ready to do at such time as the Bishop shall see fit to appoint. But as to my joining with you in this application as you propose, it is unnecessary for me to say more than to express my regret, that your letter should contain any proposition from which I am compelled, by a sense of duty, to withhold my assent.

I am, Gentlemen, with sentiments of due consideration and respect, your most obedient servant,

SAMUEL F. JARVIS,
Rector of St. Paul's Church.

To the Wardens and Vestry of St. Paul's Church.

On the Saturday following, June 18th, the Clerk of the Proprietors sent me an attested copy of their application to the Bishop as follows:

To the Rt. Rev. Alexander Viets Griswold, D. D. Bishop of the Eastern Diocese of the Protestant Episcopal Church of the United States of America.

The Proprietors of St. Paul's Church in Boston, and the Vestry of said Church, as well for themselves as in behalf of said Proprietors, respectfully represent; that a controversy has arisen between them and their Rector, the Rev. Samuel F. Jarvis, D. D., which controversy is of such a nature as cannot be settled by themselves.

The said Proprietors and Vestry further represent, that the controversy has proceeded such lengths as to preclude all hope of a favourable termination, and that a dissolution of the connexion which subsists between them is indispensably necessary to restore the peace and promote the prosperity of the Church. They therefore request that the Rt. Rev. the Bishop would, as soon as conveniently may be, institute due and regular proceedings in relation to the premises; and that the Rt. Rev. the Bishop and his Presbyters, would recommend to the Rev. Dr. Samuel F. Jarvis, to relinquish his title to his Rectorship, on such conditions as may appear to be reasonable and proper: And also to take such further measures relating to the subject as may be just and equitable, and according to the Canons in such cases made and provided.

All which is most respectfully submitted by the said Proprietors of St. Paul's Church in Boston, and by their Wardens and Vestry in their own behalf, and as the said Wardens and Vestry are for that purpose authorised, by a vote of said Proprietors, dated June 14th A. D. 1825, a certified copy whereof is hereto annexed.

Boston, June 14, 1825.

(Signed) FRANCIS WILBY, JAMES C. MERRILL, *Wardens.*
STEPHEN CODMAN, GEORGE SULLIVAN, WILLIAM SHIMMIN, WILLIAM APPLETON, E. GERRY, GEORGE ODIN, HENRY CODMAN. *Vestrymen.*

Copy, Attest, H. CODMAN, *Clerk.*

At this time I drew up the following protest, which though not then presented I insert here as its proper place.

PROTEST.

THE undersigned claims the privilege, as Rector of St. Paul's Church, and ex-officio Chairman of the Proprietors, to enter upon their records, his solemn protest against the proceedings of that body, relating to himself, since Easter of this year, and especially against those of the adjourned meeting, held on the 10th day of June 1825.

He protests in particular against the Report offered on the 23d of May last, which was laid on the table at the adjourned meeting of

June 7th, and communicated to him by the Wardens and Vestry, in their letter of the same date.

I. He protests in the first place against the committee, who signed the Report—in that one of their number, not having been baptized, is not a member of the Church of Christ; and consequently, according to the provisions of the 40th Canon, is excluded from the list of adult persons within the cure of St. Paul's Church. The impropriety of appointing such a person, however unexceptionable in other respects, to consider questions affecting the peace and harmony of a pastor and his flock, must be apparent to every reflecting and pious Christian.

II. The undersigned further protests against the several matters contained in the said Report as being most unfounded and unjust:

1. In that it asserts the right of the Proprietors to know, and act upon, what he has solemnly declared to be a private correspondence, having reference only to private concerns; and refuses to comply with his reasonable and proper request, that the letter of the 9th of April should be returned to him as its proper owner.

2. In that it asserts that the letter aforesaid contains the evidence of feelings in him towards his *parishioners* highly important for them to know; thus contrary to the Gospel making the end to sanctify the means;—(Rom. iii. 8.) justifying an individual for betraying the confidence reposed in him; and confounding the small number of *Proprietors* who have hitherto managed the temporal affairs of the Church, with the whole body of the congregation.

3. In that it asserts that the Rector appears by that letter to be suffering under a sense of wrong from the measures of his *parishioners;* a charge which cannot be proved even with respect to a great majority of the *Proprietors;* much less with regard to his *parishioners* who could not take any part in the measures alluded to, and who were in general utterly ignorant of the subject.

4. In that it asserts that the hasty expressions of a private and confidential note, written under a strong sense of rude and indelicate language are "harsh expressions involving the welfare of *all his parishioners;*" whereas it is difficult to conceive how these expressions could "involve the welfare" of any of the Proprietors; much less "of all his parishioners."

5. In that it asserts his having complained, thereby implying that he has *publickly* complained, of the terms to which he gave his assent at Easter 1824; whereas he is not conscious that since he gave his assent he has complained either publickly or privately; and the fact that the congregation were utterly ignorant of the whole subject till after Easter 1825, affords the surest evidence that he has not so complained.

6. In that it asserts that the terms to which he gave his assent as aforesaid, are founded on his letter of Dec. 5, 1822, and were freely and voluntarily consented to by it; a construction which the letter cannot justly bear when taken in connexion with the sentiments he expressed to the Committee who were sent to him for the very purpose of inducing him to consent to a reduction of his salary.

7. In that it asserts of the Proprietors that by their involving themselves in an expense unequalled in New England for the erection of a Church of which he was to be the pastor, he was enjoying a most distinguished opportunity of usefulness and honour, thereby implying that he did not possess such an opportunity before his removal to Boston; whereas the erection of the Church, in its present expensive form, was contrary to his wishes repeatedly expressed to the Chairman of their Building Committee, and the fact is notorious that this very expense occasioned all the difficulties of the Church, and by its conse-

quences involved him in labours of the most arduous nature and the most distressing and painful perplexities.

8. In that it asserts that the peace of the Church has received a deep wound, that the confidence which ought to exist between a pastor and his flock is essentially interrupted, and that his usefulness is greatly diminished; all which charges confound again the small number of Proprietors who have hitherto managed the affairs of the Church, with the flock at large, and endeavour to throw upon the Rector the odium of those dissensions which the small number of the Proprietors now mentioned have themselves occasioned, and which have apparently originated in the unwarrantable conduct of the Senior Warden, and the proceedings since Easter last, against which the present protest is offered.

III. The undersigned further protests against the manner in which the Report in question was finally accepted:

1. In that an adjournment of only three days was allowed from the time in which the Rector first saw the Report till it was accepted; no time being given him to learn its full intent and meaning, and no opportunity of expressing his objections to the same.

2. In that he received from the Wardens and Vestry who were appointed to lay it before him, an answer to certain inquiries on his part, in which they expressed the opinion that his resignation of his pastoral charge was necessary, and to which they required by their Committee, an instantaneous answer; a course of proceeding wholly without example in any parliamentary assembly, and inconsistent with that grave deliberation which ought to attend the dissolution of the most solemn and important of all contracts.

3. In that the meeting of June 10, 1825, at which the Report was accepted was unusually small; there not being present, as the undersigned is credibly informed, more than 23 Proprietors,—more than one fifth of whom were opposed to its acceptance.

4. In that the majority, contrary to parliamentary usage, refused a call for the yeas and nays to be inserted on the Records: though it is notorious that many of the Proprietors have determined not to act, and it is doubtful whether this apparent majority be not in fact a minority even of the Proprietors themselves.

5. In that there were persons present who voted to accept the Report, and who were at the same time not members of the parish; that three at least of them are openly and avowedly of other denominations, and two others unbaptized, and that of the rest, several are known to be either opposed or indifferent to the distinctive principles of the Protestant Episcopal Church.

The undersigned in conclusion reiterates his solemn protest against the proceedings of the Proprietors subsequent to Easter last, as sowing discord, where before there was nothing but harmony; as checking, for a season at least, the growth of the Protestant Episcopal Church in this State;—as tearing asunder those hearts which the love of God had cemented; and as rending the sacred body of Christ which he has commanded his disciples to keep unviolated, in the unity of the Spirit, and in the bond of peace.

(Signed) SAMUEL FARMAR JARVIS.
Rector of St. Paul's Church, Boston.

Boston, June 20, 1825.

In the mean time the Annual Convention of the Protestant Episcopal Church in Massachusetts, had held its session on the 15th; and the Rector of the Church in which the Convention held its sittings, who was the self-appointed preacher, delivered a dis-

course before that body. He spoke of the trumpery of Episcopacy—denounced equally what he called the High Church, and Evangelical or Low Church parties—declared that Bishops who in England are Barons of the realm, have in America no more authority than Presbyters, excepting with regard to ordination; and that the people here being the Sovereign, the Wardens and Vestrys of the several Churches have supreme authority. He therefore cautioned the Convention not to make Canons, because the Wardens and Vestry of every Church were independent, and would not mind them unless they pleased. We must bear in mind, he observed, that we are in the land of the puritans, and it is in vain to think of enforcing the regulations of our Church. The people are a high mettled courser, and if the clergy attempt to ride them hard, and make them feel the bit and bridle, they will rear and throw them off.

It was impossible to misunderstand the object of these remarks. The sermon I believe gave offence to the whole Convention: and the attack was so evidently personal, that no one any longer doubted the unfriendly feelings with which I had been regarded ever since my residence in Boston by that Reverend gentleman. It was necessary to mention these circumstances in order to account for the following correspondence with the Bishop.

Bristol, June 25, 1825.

Rev. and Dear Sir,

The day after your Convention I had a communication from the Wardens and Vestry, and in behalf of the Proprietors of St. Paul's, requesting that there might be a dissolution of the sacerdotal connexion between them and their pastor. The gentleman who brought the letter made but a short stay; and though the business required deliberation, there seemed to be a necessity of my doing something immediately; and knowing that several of our clergy were still in Boston, I sent a written request, that to save them perhaps the trouble and expense of assembling again, they would meet and consult and give me their advice respecting the business; and also that you should have due notice of any steps that should be taken. It is their opinion I am informed, that nothing ought to be done till I am present. The regular course I suppose is to notify the Presbyters of the State to meet at some future time, and endeavour, the Lord permitting, to meet with them. I have determined on Wednesday the 13th of July next, at 9 o'clock in the morning, as the time for attending to this painful business, and at such place in Boston as the Clergy in that city shall recommend. I have not yet sent the notifications, but shall go about it immediately. Your favour of the 16th was received.* I have deferred the answer 'till I could hear whether any thing was done in Boston. I intended to have written this letter last evening, but was prevented

* My letter of the 16th was not official, and I kept no copy.—As it was written the day after the Convention, I could not well avoid expressing my disapprobation of Dr. G.'s Sermon. In adverting to the proceedings of the Proprietors, I think I mentioned the pains certain individuals among them had taken to asperse my character, and expressed my hope and confidence that the Bishop would require from them a full specification of every charge they had against me, and that he would furnish me with a copy of the same, with time to make my defence. On this subject, however, I never received any answer.

by other business, and this morning the mail goes off so early that I am obliged to write in great haste and omit many things that I intended to have written, which I beg you to excuse.

With very sincere affection, your friend and brother,

ALEXANDER V. GRISWOLD.

Rev. Dr. Jarvis.

Boston, July 4, 1825.

RIGHT REV. AND DEAR SIR,

I HAVE delayed acknowledging the receipt of your letter of June 25th till this time, because the course of recent events in my parish has been so new and unprecedented. It is not unknown to you that the Rev. Dr. G. has had from the commencement of my residence in Boston a personal dislike to me, which he has shown to others in the disrespectful and injurious language in which he has spoken of me, and to myself, in declining all interchange not only in clerical duties, but of neighbourly civility.—Of late he has manifested these feelings to such a degree, that no doubt can be left on the mind of any unbiassed person of his nourishing towards me a settled hostility. On this account, and on account of the sentiments publickly expressed in his sermon before the Convention of the 15th of June, I deem it a duty to the Church as well as to myself, to submit to your consideration and that of the clergy, whether it will be just and proper for the Rev. Dr. G. to give, or for the Bishop to receive, his advice and counsel on the questions arising under the 32d Canon out of the application of the Wardens and Vestry of St. Paul's Church.

I am, Right Rev. and Dear Sir, your faithful son and servant in the Lord,

SAMUEL F. JARVIS.

To the Right Rev. the Bishop of the Eastern Diocese.

I have not learned that the Bishop ever communicated this letter to the clergy. Certain it is that the person thus objected to was not deterred from sitting in the Convocation, and that he exhibited the same feelings there which he has upon all other occasions.

According to the Bishop's appointment, the Presbyters of Massachusetts assembled with him in Convocation on the 13th of July. It is proper here to insert the Canons which refer to the settlement of clergymen, as reference will be made to them in the subsequent account of proceedings.

CANON XXIX.

Concerning the Election and Institution of Ministers into Parishes or Churches.

It is hereby required, that on the election of a Minister into any Church or Parish, the Vestry shall deliver, or cause to be delivered, to the Bishop, or where there is no Bishop, to the Standing Committee of the Diocese, notice of the same, in the following form, or to this effect.

We, the Church-wardens *(or, in case of an Associated Rector or an Assistant Minister*, We the Rector and Church-wardens) do certify

to the Right Rev. *(naming the Bishop)*, or to the Rev. *(naming the President of the Standing Committee)*, that *(naming the person)* has been duly chosen Rector *(or* Associated Rector, *or* Assistant Minister, *as the case may be)* of *(naming the parish, or church, or churches.)* Which certificate shall be signed with the names of those who certify.

And if the Bishop or the Standing Committee be satisfied that the person so chosen is a qualified Minister of this Church, the Bishop, or the President of the Standing Commitee, shall transmit the said certificate to the Secretary of the Convention, who shall record it in a book to be kept by him for that purpose. And if the Minister elect be a Presbyter, the Bishop, or President of the Standing Committee, may at the instance of the Vestry, proceed to have him instituted according to the office established by this Church. But if he be a Deacon, the act of institution shall not take place till after he shall have received Priest's Orders, when the Bishop or President may have it performed.

But if the Bishop or the Standing Committee be not satisfied as above, he or they shall, at the instance of the parties, proceed to inquire into the sufficiency of the person so chosen, according to such rules as may be made in the respective Dioceses, and shall confirm or reject the appointment, as the issue of that inquiry may be.

No Minister who may be hereafter elected into any Parish or Church, shall be considered as a regularly admitted and settled Parochial Minister in any Diocese or State, or shall, as such, have any vote in the choice of a Bishop, until he shall have been instituted according to the office prescribed by this Church.

This Canon shall not be obligatory on the Church in those Dioceses or States with whose usages, laws, or charters it interferes. Nor shall any thing in this Canon, or in any other Canon, or in any service of the Church relative to the office of Associated Rectors, apply to the Church in those States or Dioceses where this office is not recognized by the constitution, laws, or canons thereof.

But it is to be understood, that this Church designs not to express any approbation of any laws or usages, which make the station of a Minister dependant on any thing else than his own soundness in the faith or worthy conduct. On the contrary, the Church trusts that every regulation in contrariety to this, will be in due time reconsidered; and that there will be removed all hindrances to such reasonable discipline as appears to have belonged to the Churches of the most acknowledged orthodoxy and respectability.

CANON XXX.

Respecting the Dissolution of all Pastoral Connection between Ministers and their Congregations.

When any Minister has been regularly instituted or settled in a Parish or Church, he shall not be dismissed without the concurrence of the Ecclesiastical authority of the Diocese or State; and in case of his dismission without such concurrence, the Vestry or Congregation of such Parish or Church shall have no right to a representation in the Convention of the State or Diocese, until they have made such satisfaction as the Convention may require. Nor shall any Minister leave his congregation against their will, without the concurrence of the Ecclesiastical authority aforesaid; and if he shall leave them without such concurrence, he shall not be allowed to take a seat in any Con-

vention of this Church, or be eligible into any Church or Parish within the States which have acceded to the Constitution of this Church, until he shall have made such satisfaction as the Ecclesiastical authority of the Diocese or State may require.

In the case of the regular and canonical dissolution of the connection between a Minister and his Congregation, the Bishop, or if there be no Bishop, the Standing Committee, shall direct the Secretary of the Convention to record the same. But if the dissolution of the connection between any Minister and his Congregation be not regular or canonical, the Bishop, or Standing Committee, shall lay the same before the Convention of the Diocese or State, in order that the above mentioned penalties may take effect.

This Canon shall not be obligatory upon those States or Dioceses with whose usages, laws, or charters it interferes.

☞To this exception there applies the remark in the concluding paragraph of Canon 29.

CANON XXXII.

Respecting Differences between Ministers and their Congregations.

In cases of controversy between Ministers, who now, or may hereafter, hold the Rectorship of Churches or Parishes, and the Vestry or Congregation of such Churches or Parishes, which controversies are of such a nature as cannot be settled by themselves, the parties, or either of them, shall make application to the Bishop of the Diocese, or, in case there be no Bishop, to the Convention of the State. And if it appear to the Bishop and his Presbyters, or, if there be no Bishop, to the Convention or the Standing Committee of the Diocese or State, if the authority should be committed to them by the Convention, that the controversy has proceeded such lengths as to preclude all hope of its favourable termination, and that a dissolution of the connection which exists between them is indispensably necessary to restore the peace, and promote the prosperity of the Church, the Bishop and his Presbyters, or, if there be no Bishop, the Convention or the Standing Committee of the Diocese or State, if the authority should be committed to them by the Convention, shall recommend to such Ministers to relinquish their titles to their Rectorship on such conditions as may appear reasonable and proper to the Bishop and his Presbyters, or, if there be no Bishop, to the Convention, or the Standing Committee of the Diocese or State, if the authority should be committed to them by the Convention. And if such Rectors or Congregations refuse to comply with such recommendation, the Bishop and his Presbyters, or, if there be no Bishop, the Convention or the Standing Committee of the Diocese or State, if the authority should be committed to them by the Convention, with the aid and consent of a Bishop, may, at their discretion, proceed, according to the Canons of the Church, to suspend the former from the exercise of any ministerial duties within the Diocese or State; and prohibit the latter from a seat in the Convention, until they retract such refusal, and submit to the terms of the recommendation: and any Minister so suspended shall not be permitted, during his suspension, to exercise any ministerial duties in any other Diocese or State. This Canon shall apply also to the cases of Associated Rectors and Assistant Ministers and their Congregations.

This Canon shall not be obligatory upon the Church in those States or Dioceses with whose usages, laws, or charters it interferes.

☞To this exception there applies the remark in the concluding paragraph of Canon 29.

The following extracts from the Minutes of the Secretary, will show the progress of proceedings.

St. Paul's Church, Wednesday, July 13, 1825. 9 *o'clock, A. M.*

J. C. Merrill, Esq. Junior Warden read the application of the Wardens, Vestry and Proprietors, and also the vote of the Proprietors authorizing the same.

Dr. Jarvis objected to such a construction of the 32d Canon, as to admit of proceeding without specific charges of immoral conduct.

Mr. Merrill said that no charges of immoral conduct in Dr. Jarvis were intended to be implied by this application, but only that a controversy did exist between the Wardens, Vestry and Proprietors, on one part, and their Rev. Rector on the other, of such nature and extent as to come under the provisions of the 32d Canon.

Henry Codman, Esq. Clerk of the Proprietors, produced the Books of Records, Letters, and other filed Papers of the Proprietors.

After a consultation it was voted that these Records and documents be read so far as is necessary to a full account of the difficulty.

As no information had been given to me of the course to be pursued by the Wardens and Vestry, I naturally supposed that they would fulfil the expectations excited in the publick mind, by bringing forward a formidable list of charges; that the Bishop and clergy having received them, would require the specifications under them; and that time would then have been given me to consult counsel and make my defence. I appeared therefore alone and without any preparation. It was a season of the year in which no business was doing; and all the principal members of the Boston bar were out of town. Happily my friend, Mr. Huntington from Hartford, Conn. was in the city, and volunteered his services. And as I found that the Proprietors had impressed upon the minds of the Bishop and Presbyters an idea that I was making an unnecessary delay, I asked only for an adjournment till the next afternoon. Being unable however to prepare by that time, a further indulgence was allowed me 'till the afternoon of the 15th. But even this was opposed by the Presbyter to whom I had objected, who said that my asking so much time was an insult to the Bishop and Clergy.

I proceed with the Secretary's minutes.

St. Paul's Church, Friday, July 15, 1825. 4 *o'clock, P. M.*

The Council met. Present, the Rt. Rev. Bishop, the Rev. Dr. Gardiner, the Rev. Messrs. Eaton, Boyle, Blake, Woolcott, Baury, Cutler, and Edson.

A proposition was then made by Mr. Henry Codman in behalf of the Wardens, Vestry and Proprietors, to the Rev. Dr. Jarvis their Rector, that he would unite with them in requesting the Bishop to dissolve the pastoral relation between them and him.

Dr. Jarvis replied, by Mr. Huntington his counsel, that he could not accede to the proposal, because this proceeding does itself imply an imputation of his moral character, and by joining in the proposed request, he should confirm that imputation. Mr. Huntington said, that Dr. Jarvis wished the gentlemen would make specific charges; and that Dr. Jarvis would show in the remarks he had prepared, that the Council cannot properly enter upon any inquiry under the 32d Canon without first considering the question in regard to preceding Canons.

Dr. Jarvis then read the remarks he had prepared.

ARGUMENT

Upon the Construction of the XXXII *Canon.*

The Proprietors of St. Paul's Church, and the Vestry of said Church, as well for themselves, as in behalf of said Proprietors, have represented to the Bishop of the Diocese, that a controversy has arisen between them and their Rector, which has proceeded such lengths as to preclude all hope of a favourable termination; and that a dissolution of the connexion between them and him, is indispensably necessary to restore the peace, and promote the prosperity of the Church. Whereupon they request the Bishop to institute due and regular proceedings in relation to the premises.

The Canon under which they apply is the 32d; but their application is not accompanied with any specific articles of complaint, as furnishing a reason for separation. On the contrary, they maintain, that it is wholly unimportant to shew any cause, and that the Canon does not contemplate the existence of any charges whatsoever, affecting the character of the Rector. According to this construction, the bare expression of the will of one of the parties to the contract, is a sufficient cause for its dissolution. The question is, whether this construction be the true one. The Rector feels himself obliged by a regard to his office, and the safety of the clerical character, as well as the dearest interests of the Church, to deny it, and to exhibit the reasons on which that denial is founded.

The 32d Canon refers to the concluding paragraph of the 29th Canon, as explanatory of the excepting clause to the 29th, 30th, and 32d Canons. These Canons were passed in 1804, without the excepting clause; but in 1808, the delegates of the state of Maryland, applied for an alteration of them respecting ministerial tenures, as being inconsistent with the civil law of that state respecting the powers of Vestries. This gave rise to the excepting clause alluded to; that these Canons should "not be obligatory on the Church in those dioceses or states, with whose usages, laws, or charters, they interfere." And it was with special reference to the laws, usages and charters of Maryland, that the concluding paragraph of the 29th Canon was framed; though the language was rendered general, so as to embrace all states, the laws of which rendered the tenure of the ministerial station dependant on the will of the people. That concluding paragraph is as follows: "But it is to be understood that this Church designs not to express any approbation of any laws or usages, which make the station of a minister dependant on any thing else than his own soundness in the faith, or worthy conduct. On the contrary, the Church trusts that every regulation in contrariety to this, will be in due time, reconsidered; and that there will be removed all hin-

drances to such reasonable discipline as appears to have belonged to the Churches of the most acknowledged orthodoxy and respectability." The Church, in this paragraph, must be considered as entering her solemn protest against all laws and usages which affect the security of a minister's station, if he be sound in the faith, and has not been guilty of unworthy conduct. She pronounces all such laws and usages to be hindrances to reasonable discipline, and inconsisent with orthodoxy. And when it is expressly stated, that this concluding paragraph applies to the 32d Canon, it can have no other than the obvious meaning, that in cases of controversy between ministers and their congregations, it is to be presumed that charges are brought against the minister, and that those charges must be considered as affecting his reputation for soundness in the faith or worthy conduct, unless in those states, the laws and usages of which are at variance with the regulations of the Church. If then, it can be shewn, that the laws and usages of the State of Massachusetts are at variance with the decision of the Church in the 29th Canon, then the construction contended for might be correct; that any proceedings under the 32d Canon would not here affect the character of the minister, if no charges are brought against him. But if the laws and usages of Massachusetts are not at variance with the regulations of the Church, then it must follow that the request for a dissolution of the sacerdotal connexion made by the Wardens and Vestry does contain of necessity an imputation against the minister's soundness in the faith or worthy conduct.

Now with regard to the *laws* of Massachusetts, it will appear to the Bishop and Clergy, by consulting the case of Avery vs. the Inhabitants of Tyringham, Tyng's Reports, Vol. 3. p. 160, that they confirm and even go beyond the Canon law of our Church in securing the permanency of ministerial settlement. In the case alluded to it is decided, and that by as able a bench as Massachusetts has ever known, that a minister settled in a parish for an indefinite time, does not hold his office, or as our Church would express it, his station, at the will of the parish, but "for life, determinable only by gross misconduct, and that to be exhibited before a special tribunal."

"The very term contract," says Judge Parker, speaking of the word used in the Constitution respecting the settlement of ministers, "imports something more durable than a mere temporary connexion dissoluble at the will or caprice of either of the parties. It is true that Religious Societies are left at liberty to make such contract and for such term of time, as shall be agreed between them and their minister; but the contract once made, it is subject to all such rules of law as govern other engagements." —Where "no term of time is expressed, during which the ministerial connexion is to exist," the same judge decides, that "considering the established usage of the country, known to the contracting parties; the nature of the duties to be performed,

which peculiarly require permanency in office; the solemnity of the act which testifies the assent of the minister and his people; it would certainly seem that the connection thus established, was to endure for life, unless some stipulation to the contrary should be expressed." Tyng's Rep. Vol. 3. p. 169.

"If the contract," says Judge Sedgwick, "is dissoluble at the pleasure of one of the contracting parties, it must be equally so at the pleasure of the other. The consequences resulting from such a doctrine would be mischievous in the extreme. Mankind are capricious even in their most serious concerns. Would ministers who regarded the comfort of their families, or their own personal quiet and security, be willing to make a contract on such terms?"—Tyng's R. p. 173.—And again: "If these contracts are merely at the will and pleasure of the parties, would it not diminish much of that respect and reverence with which it is desirable that the clerical character should be viewed by the people? And on the part of the minister must not a consciousness of dependence on the mere pleasure of the people, affect that firmness of mind which is essential to an impartial and effectual reproof of vice and immorality? And in such a state with what prudence could the minister form a permanent connection, which might be important to the comfort and happiness of his life? I should have deeply lamented, if I had found myself bound to give a different construction to the constitution; but I am pleased to have it in my power to declare, that I have not a particle of doubt on the subject." T. R. p. 176.—

"It is the duty of a minister," says Chief Justice Parsons,

> O doctiorum quicquid est, assurgite
> Huic tam colendo nomini!

"to adapt his religious and moral instructions to the various classes comprising his congregation. He ought therefore to have a knowledge of their situation, circumstances, habits, and characters, which is not to be obtained, but by a long and familiar acquaintance with them. Vice is to be reproved by him in public and private; and the more prevalent and fashionable are any bad habits, the more necessary is it for the faithful minister to censure them, and to rebuke those who indulge them. But if it be a principle that his office and support depend on the will of his people, the natural tendency of such a principle, by operating on his fears, will be to restrain him from a full and plain discharge of his official duties. And it may be added, that the same principle, by diminishing his weight and influence, will render his exhortations and rebukes unavailing and ineffectual. And as it cannot be for the interest of the people to hold a power, probably dangerous, and certainly inconvenient to themselves, I cannot believe that a tenure at will, whence this power results, can accord with the nature and duties of the office. And it may be also observed, that if the tenure of his office be at will, a minister, after a life of exemplary diligence in the exercise of his

official duties, may, when oppressed with the infirmities of age, be removed from office, and be dismissed to poverty and neglect. A consequence of this power in a parish will be the deterring of young men of information and genius from entering into the clerical profession; and devolving the public instruction in religion and morals on incompetent persons, without talents, education, or any suitable qualifications. Thus an office, which, to be useful, ought to attract our respect and veneration, will be the object of general contempt and disgrace. And an effect of this kind, surely every good citizen would wish the laws to prevent, so far as the laws may have power." T. R. Vol. 3. p. 177, 178.

Again: "In forming my opinion I am not confined to inferences drawn from the practice of towns or parishes in the settlement of ministers, or from the intent of legislative grants.—Before and since the revolution, this question has been considered by the courts of law,—and it has been the uniform opinion of all the judges, who have successively filled the bench of our highest Judicial Court, that when no tenure was annexed to the office of a minister by the terms of settlement, he did not hold the office at will, but for life, determinable for some good and sufficient cause, or by the consent of both parties." T. R. p. 179.

What that good and sufficient cause is, which may determine the office, (or as our Church would express it *the station*) without the consent of both parties, the same Judge thus defines: "It is the duty of a minister to teach by precept and example. If his example is vicious, he is worse than useless. Immoral conduct is then such misfeazance, as amounts to a forfeiture of office. I do not mean to include mere infirmities incident to human nature, and to which an habitually good man is sometimes liable.—Negligence also, or a wilful and faulty neglect of publick preaching, or of administering the ordinances, or of performing other usual parochial duties is such a non-feazance, as will cause a forfeiture of the office." T. R. vol. 3. p. 181—182.

The settled "law" of Massachusetts is therefore in favour of the permanency of ministerial settlement determinable only by misfeazance or non-feazance in office. Our canon law requires something more. It requires "soundness in the faith, and a conformity to the doctrines, discipline and worship of the Protestant Episcopal Church." A want of these would if proved, constitute a forfeiture of settlement in the view of the Church, but it would not constitute such forfeiture in the judgment of the civil law; because that does not attempt to define what soundness in the faith is, but leaves every individual to profess that faith which accorded with the terms of his settlement, and the regulations of his own Ecclesiastical body. If therefore there were no Canon law on the subject, an Episcopal clergyman would be on the same footing, as far as the law of the state is concerned, with the ministers of the congregational or any other denomination. That is, he could be removed from his parish only on evidence of immoral conduct and neglect of duty.

I proceed to consider the "usages" of Massachusetts. And here it will be necessary to refer the Bishop and clergy to a document which I have not in my possession, but which may be seen at the Athenæum. There is however a review of it at pages 256 and 289 of the 10th Volume of the Panoplist for 1814. The document to which I allude has the following title: "Proceedings of the Second Church and Parish in Dorchester; exhibited in a collection of Papers. Published agreeably to a vote of the Church. Boston: S. T. Armstrong, 1812." 8vo. pp. 124.—These "Proceedings," as far as the "usages" of Massachusetts are concerned, will, in respect to the forms of procedure, throw light upon the present case. A part of the second parish of Dorchester, at first not a majority, but who finally became so by perseverance, clamour, and the exertion of secret influence, organized a regular opposition to the Reverend Mr. now Dr. Codman, the highly respectable minister of that Church.—Stories affecting Mr. Codman's moral character, and standing in society, were put in circulation. Unwearied pains were taken to obtain a majority. Frequent meetings were held to consult on the subject. The more wealthy threatened to put their labourers out of employment, and to sue others who were indebted to them, unless they would vote against Mr. Codman. On the days of the parish meetings, all the voters of the opposition were rallied, while the friends of Mr. Codman were overawed by their violence, and induced to shrink from the conflict. During the progress of this state of things, Mr. Codman's opposers gradually withdrew from publick worship till scarcely any of them attended.

After about a year had elapsed in this uncomfortable state of things, at a parish-meeting, June 24th, 1811, a Committee was appointed to act under the following instructions: 1, To request a separation between Mr. Codman and his people. 2, In case Mr. C. should decline such a separation, to propose a mutual Ecclesiastical Council. 3, In case Mr. C. should not accede to either of the above propositions, to call an *ex-parte* council, prepare articles of charge, &c. &c. To the first proposition, requesting a separation, Mr. C. refused his assent. To the second, proposing a mutual Ecclesiastical Council, he answered requesting a reconsideration of their proceedings, and if the application for his dismission should be persisted in, that the Committee would state the *reasons* for a separation with all the specifick articles of complaint against him.

This gave great offence to his opponents; being considered by them as an *evasion* of their request. They refused to state their reasons and their charges, on the ground that it was impossible for Mr. C. to be unacquainted with them. Mr. Codman utterly disclaimed any design to evade their propositions, expressed his willingness to unite in a Council, though he saw no necessity for it, and concluded by insisting on being furnished with *all the specific articles in writing* as a condition *absolutely indispensable.*

To this proceeding the Committee warmly objected, complained of Mr. Codman's "line of conduct," declined stating their articles of charge, but decided nevertheless "that Mr. Codman's usefulness as a minister of the Gospel in that society, was in their opinion, at an end." Mr. Codman still persisting in his refusal to proceed, till he should be furnished with the specifick articles of complaint, the Committee after numerous complaints of unnecessary delay, and various attempts to accomplish their object, were obliged finally to comply with his wishes, and exhibit a full specification of the articles of complaint, or the reasons why the parish wished the pastoral connection between Mr. C. and his people to be dissolved.

After these and other preparations, a mutual council was called who met October 30th, 1811. But the decision of this council not being perfectly satisfactory, another mutual council was called May 12th, 1812. This council differed from the other, in its having a moderator and umpire between two equal parties, in the person of the venerable Dr. Lathrop of West Springfield, who, for obvious reasons, was requested to attend without a delegate from his Church. In this way, the Council became as nearly as was consistent with Congregational discipline, analogous to the Bishop and his Presbyters under the 32d Canon of the Protestant Episcopal Church. The difference between them, it is not at present material to state, unless to remark that the Bishop possesses a power, the want of which by the concession of the Panoplist, constitutes the grand defect of the congregational system.

I trust the Bishop and Clergy will perceive, even from this imperfect statement, that the proceedings at Dorchester have a direct bearing upon the questions now before them, as explanatory of the "usages" of Massachusetts.—If a Congregational minister had a right to demand of his opponents, a written specification of every cause of complaint, with time to make his defence, and opportunity to consult and advise with tried and trusty friends, and could positively refuse his consent to a mutual council, till his requisition was complied with; shall an Episcopal clergyman be debarred this privilege because the Church in her wisdom has taken from the parties the right of selecting a mutual council, and has appointed a standing council with the Bishop at their head to act on the subject? If this were the case the security of an Episcopal clergyman would be far inferior to what he would enjoy, if there were no Canons at all, and he was obliged to be governed by the regulations of the congregational system. We consider Episcopacy, and justly do we so consider it, as a wise provision made by the divine head of the Church, for the prevention of schism and disorders; and we are thought by our dissenting brethren, to be somewhat overweening in our commendations of our own system. But if it be so inefficient in guarding the clergy from unjust aggression, we shall be justly liable to this reproach. The present is in the Episcopal Church of Massachu-

setts an unprecedented case. It is to form a precedent for the future. It is to sway the interests of posterity. Now then is the time to show, whether the discipline of our Church be preferable to that of the Congregationalists. And it deserves the serious consideration of all the true sons of the Church, whether any measures should be hastily adopted which may tend to weaken her claim on the attachment of her members, or prevent that respect from others which is always inseparable from an energetick but mild government, and the equal and impartial dispensation of exact justice.

I have thus stated both the "law" and the "usage" of Massachusetts, because the construction of the Canon depends upon them. The Church, conscious of her inability to maintain her discipline, where the laws of the State are in opposition to it, yields to the necessity, but enters her solemn protest against all such laws and usages as are inconsistent with the permanency and security of the clerical station. It follows therefore that wherever the laws and usages of the State *coincide* with her rules of discipline, there can be no right to construe the Canons in question by any practice derived from those States, the laws and usages of which are *opposed* to her rules.—The Bishop and Clergy of Virginia, or Maryland, or New York, for example, are bound to such a construction of these Canons as is consistent with the laws and usages of those States. They are modified or suspended by such local regulations. But the Bishop and Clergy of Massachusetts are bound to such a construction as accords with the laws and usages here, because those laws and usages do in fact *support* the institutions of the Church. By one of those singular combinations of human events which elude the foresight of human sagacity and seem to sport with the passions and prejudices of mankind, the storm of the Revolution has swept away or shattered those ancient landmarks of ecclesiastical discipline which had been established in the Episcopal colonies; while, in this land of the Puritans, the principles and institutions which they, in their best estate, had derived from their mother the Church of England, have been suffered to remain, at least upon their statute books, and now afford to the sons of the Church a covert from the tempest.

I have shown that the 32d Canon, by the reference which it contains to the concluding paragraph of the 29th Canon, does in fact limit its own construction, so as to require that, where local laws and usages do not prevent, the station of a minister is to depend upon his "soundness in the faith and worthy conduct." It is important to add, that this is not a solitary construction by an obscure individual, called upon as he is to defend himself, but that it is the construction in fact of the House of Bishops, in a document published under the sanction of the General Convention. I refer to the pastoral letter of 1811, in which occur the following ex-

pressions explanatory of the general principle on which the Canons in question are to be explained: "We are persuaded that for the sustaining of a competent ministry, every member of it, when entrusted with the pastoral charge of a congregation by their voluntary act, ought to have security for permanency in his station; until removed, after a fair trial, for some error in religion, or for some viciousness of life."

In the judgment of the Bishops, therefore, no competent minister, whom a congregation have once voluntarily settled, ought to be removed from his station, unless for some error in religion or for some viciousness of life; nor is he to be so removed until after a fair trial.

I am therefore, I humbly conceive, entitled both by the law of the Land, and the law of the Church, to require as a preliminary measure, before any question of expediency can be considered, "a fair trial" on two points: Whether during the five years in which I have been Rector of St. Paul's, I have been justly liable to any imputation, in the first place, for unsoundness in the faith, or, in the second place, for viciousness of life. It is in vain to say that no trial is necessary, because no charges are now brought before the Bishop and Presbyters; for the Vestry cannot deny, or if they deny I can bring proof, that charges affecting my moral and official character, have been made by members of their own body; and these very charges, or insinuations that there are such charges, have had an unfavourable influence concerning my reputation upon the minds of many persons in Boston and elsewhere. I am compelled therefore to make a solemn appeal to the Bishop and Presbyters, and to put myself upon my trial. If I have been guilty, the interests of the Church require that my conduct should be exposed to its merited condemnation. If I am innocent, it is a right to which the humblest individual in society, as well as the most exalted, is fully entitled, of having his character sheltered from the attacks of calumny. The Bishop and Presbyters are bound, I conceive, to require of the Wardens and Vestry in the same capacity in which they have made application to the Bishop, to exhibit their written charges and specifications under the concluding paragraph of the 29th Canon, as preliminary to any proceedings under the 32d Canon, of which that paragraph is in fact a component part. If they say that they have no such charges, then it is humbly conceived, that the Bishop and Presbyters are further bound, both by the spirit of the Canons alluded to, and a regard for the clerical character in general, as well as that of the Rector of St. Paul's in particular, to require of the Wardens and Vestry, in the same capacity in which the application to the Bishop was made, a full, explicit and solemn declaration in writing, that they know of no ground for charges against the Rector of "unsoundness in the faith, or of unworthy conduct."—This declaration is to be in duplicate, one copy being presented to the Bishop and Presbyters,

and the other to the Rector, signed by all their names and to be entered upon the records of the Convocation.

When this is done, and not till then, the questions will properly come before them, whether there be in fact any controversy between the Rector and his Parishioners, or between him and the Proprietors, or Wardens and Vestry: Whether, if such controversy do exist, it has proceeded such lengths as to preclude all hope of a favourable termination; whether a dissolution of the connection between the Rector and his Parish be indispensably necessary to restore the peace and promote the prosperity of the Church; and on what conditions it is reasonable and proper that such separation should be effected.

But on every point, I wish it to be distinctly understood, that I ask it as an act of justice of the Bishop and his Presbyters here assembled, that the Wardens and Vestry be required to make a full and clear specification in writing, of every, even the minutest cause of complaint, which they and the Proprietors may have against me; whether those causes do or do not affect my moral or religious character. They have asserted in one of the documents laid before the Bishop and his Presbyters that my usefulness in my parish is at an end. Such an imputation is in itself a most serious injury, and may darken all the prospects of my future life. There must be some causes for this destruction of my usefulness; and those causes I desire to have frankly and fully stated. No step, consistent with justice, can be taken till this first and most important measure be complied with; and I have time given me to consult with counsel and make my defence.

I trust it cannot for one moment be supposed that I am anxious on my own account to have any postponement of the ultimate decision by the Bishop and Presbyters, saving so far as deliberation and the complete understanding of the case, is necessary to my own reputation and future usefulness. It cannot be imagined that in the present state of things my situation can be so pleasant or comfortable as to make me desire to prolong it. But it is a subject of most momentous importance to the Church; and my heart trembles for the ark of God. The questions which now demand the deliberate wisdom of my Right Reverend Father and my Reverend Brethren are wholly without a parallel. The facts on which they rest are most singular and unprecedented. Out of nearly four hundred adult members of my Church, there are to the best of my information, but 51 who are proprietors. The whole number of communicants registered by me since our first communion, July 7, 1820, when only 26 communed, is 239; of whom there were never more than 17 male proprietors. Of these one has died, and two have removed. The number of communicants at the present moment is 191, of whom there are, as above stated, only 14 male proprietors. *All* the female proprietors who attend the Church, 15 in number, are communicants. Yet by the act of incorporation, none but proprietors have a right

to vote, and, by common usage in this place, none but male proprietors have voted; and they claim the right to vote, even if they belong to other parishes and other denominations. They alone have the power of settling a clergyman, and they now claim the power of dispossessing him of his living without presenting any articles of impeachment against him. We are accustomed in this country to consider the right of patronage in England as a grievous limitation of Christian liberty. Yet the proprietors claim a much greater power than that of an English patron. When a clergyman is once presented to his living in England, he cannot be removed, excepting for some error in religion or for some viciousness of life. The clergyman is as independent as the patron, and if the latter be vicious, can boldly rebuke him without fear of his displeasure. But if a clergyman is here compelled to leave his parish when a few wealthy individuals combine to make him, the state of things in this land of religious as well as civil liberty, is far worse than any abuse can possibly render the system of patronage in England.

Under these circumstances it would be disrespectful to the perception and judgment of the Bishop and his Presbyters were I to urge upon them the necessity of caution and circumspection. The interests of the Church are as dear to them as to myself. On their prudence I fully rely, and to their deliberate judgment I am ready to submit myself.

SAMUEL F. JARVIS, *Rector of St. Paul's Church.*

Boston, July 15, 1825.

When these remarks were finished, much opposition was made by the Vestry to any specification of charges, or any demand upon them of honourable testimonials to my character. The former Warden in particular objected to it; said it would be an inquisitorial power in the Church to which he for one would not submit; that if his minister were a liar or a drunkard he would never bring charges against him; and that, with regard to myself, he would not say whether I had, or had not, been guilty of immoral conduct. Similar sentiments were expressed by others. They would not say, whether they had, or had not, charges, but they *brought* none; and it was a wise provision of the Church which admitted the dismission of a clergyman without charges. Such was the debate referred to in the following extract from the Secretary's minutes.

After some debate thereon, the Bishop asked, whether the parties will be ready, if the Council should enter upon the question of the expediency of a separation, to meet the discussion.

Dr. Jarvis said he would be ready in a reasonable time, after the construction of the 32d Canon was settled, and after specific charges should be brought by the Wardens and Vestry.

The parties then retired.

After consultation the Council voted—That this Council do not think they have a right to *require* the Wardens and Vestry to make specific charges against the moral character of their Rector.

The parties were then asked in, and the vote read.

Dr. Jarvis then requested that a reasonable time might be given him to prepare himself on the question of the expediency of a separation.

The Bishop adjourned the Council to meet again in this place on Wednesday the 27th inst. at 9 o'clock, A. M.*

THEODORE EDSON, *Secretary.*

The Bishop and Clergy having failed to support me in the great object which I had in view, I determined to obtain it, if possible, by private mediation. Immediately therefore after the Convocation had adjourned, I empowered three of my friends to propose an amicable arrangement. On one point only did I restrict them. They were to consent to no terms of separation without a full acknowledgment in writing, on the part of the Wardens and Vestry, that my religious and moral character were unsullied.—On every other point they were at perfect liberty; so that the Proprietors might have obtained my resignation on their own terms, if they would have yielded in this preliminary. The official correspondence on this occasion will be seen in a subsequent page. I shall here insert the testimonial offered by the Committee on the part of the Vestry, and the amendments proposed by my friends.

Articles of separation proposed to Messrs. Brinley, Richards and Huntington, friends of Dr. Jarvis, by the Committee of the Wardens and Vestry of St. Paul's Church.

WHEREAS the Wardens and Vestry of St. Paul's Church in Boston, in consequence of events set forth in the Report of the Committee of the said Proprietors; which Report was accepted at their meeting of the 10th of June last, and in sundry votes of the Proprietors and Wardens and Vestry in reference thereto, have applied to the Right Rev. Bishop of this Diocese, for a separation and dissolution of all sacerdotal relations between them and their Rector, the Rev. Samuel F. Jarvis, D. D. agreeably to the 32d Canon of the Protestant Episcopal Church of the United States, for which separation and dissolution they previously requested their Rev. Rector to unite with them in the application, which he declined, and therefore a Council was called upon the sole request of said Wardens and Vestry and Proprietors, and at several meetings of the said Council, the Wardens and Vestry and Proprietors appeared, and the Rev. Rector being present, the Records containing the Report aforesaid and other documents and votes were read: And whereas subsequently the Rev. Rector proposed a separation on terms of amity: Now the Wardens and Vestry and Proprietors, being ever desirous of maintaining the respectability and character of the Episcopal Church, and unwilling to cherish any other than the most kind and generous feelings towards their Rector, have considered it their

* Immediately after the adjournment I applied to the Secretary for a copy of the proceedings, which he readily gave; and from this copy so furnished, the foregoing extracts were made.

duty to meet the proposition of the Rev. Rector in the spirit in which it was made. They, therefore, on their part, and the Rev. Rector on his part, do agree that a separation and dissolution of all sacerdotal connection which exists between them, is hereby dissolved, [and in tender consideration of the character of the Rev. Samuel F. Jarvis, D. D. the Wardens and Vestry hereby voluntarily declare, that it has not been their intention at any time to impute to him any unsoundness of faith, or viciousness of life, and they sincerely wish and desire that his usefulness elsewhere may not be affected by the controversy which has arisen between him and them, and they freely express their earnest hope, that wheresoever he may go, he will be received by all Episcopalians, as a faithful and able minister and that the controversy which has so unhappily interposed between him and the Proprietors of St. Paul's, may not in any degree impair his future usefulness, but be regarded as one of those unhappy occurrences, which, however it may separate him from his present parishioners, ought not to be remembered or felt beyond the precincts of St. Paul's.*]

The Committee would not recede in the least from the position they had taken, and they were supported by a vote of the Wardens and Vestry, directing them to break off any further negociation, on this point of character alone. What were the real motives of this conduct it is not for me to determine. Whether they were conscious of having at least connived at the calumnies of the Senior Warden, so that the pride of consistency prevented their giving an unequivocal testimonial; or whether they wished to screen him from the necessity of thus publickly contradicting his own assertions; or whether, under the influence of strong passions, they had actually persuaded themselves that for nearly five years they had totally mistaken my character; certain it is, that by thus negatively sanctioning the evil reports before the publick, they defeated their own purposes with regard to my resignation.

How inconsistent this conduct was with all their declarations previous to last Easter, it would be very easy for me to show.—The spontaneous and publick expressions of esteem and affection cannot but be remembered and contrasted with the subsequent vituperation. I have already adverted to the extravagant praise of the Senior Warden.† The Junior Warden was hardly less profuse or less general in his expressions of personal attachment. Even after the difficulties had commenced, and he had begun to take the course which he has since pursued, he used the following expressions: "Dr. Jarvis has been a most delightful pastor to *me;* and if there is a man in St. Paul's who ought to feel grateful

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* For the part included in brackets my friends proposed the following amendment but without success;—"and in justice to the character of the Rev. Samuel F. Jarvis, D. D., the Wardens and Vestry hereby voluntarily declare, that in their intercourse with him, either as their pastor, or as a friend and neighbour, they have never discovered any grounds to impute to him unsoundness in the faith, or unworthy or immoral conduct;—but that he has ever discharged his duties among them as an honest man, a sincere friend, and faithful minister of their Church,—and in the separation which is now about to take place, they freely declare, that they know nothing which can justly cast a shade upon his character, either as a man, a gentleman, or a Christian."

† See page 22.

to him for his instructions and pastoral care it is myself. But since this difficulty has taken place, and the Dr. has treated the Proprietors so improperly, I think he *must* leave us, and that it is his *duty* to go without delay." On the Committee of conference one of my friends asked him, "Whether if the Proprietors had fulfilled their obligations to me, there would have been any difficulties;" to which he replied distinctly "*no.*" "Why then will you not give that testimonial, which you would have given before these difficulties commenced?" To this no other answer was returned than a recurrence to complaints respecting my letter to Mr. Wilby of April 9th. The same question was afterwards put to the Clerk of the Proprietors, who made the same acknowledgment.

Of the twelve days allowed me for preparation, five were spent in this unsuccessful negociation. Mr. Huntington was obliged to return to Hartford. It was the season when all who could avoid labour, sought for repose. The heat was more violent and of longer continuance than had been known for many years. In this dilemma I sent an express to Judge Prescott, and wrote to Judge Jackson, who were both absent. The former was too unwell to aid me; the latter kindly offered to assist me as chamber counsel, though he could not depart from the rule he had prescribed to himself of not appearing in publick as an advocate. He patiently heard all the documents, and read the remarks I had submitted to the Convocation, which he was pleased to say, seemed to him unanswerable. His letter on this subject, which was my guide in the subsequent course before the Bishop and Clergy, but which could not for obvious reasons be produced as a publick document, is now presented.

Boston, July 24, 1825.

DEAR SIR,

The state of the weather and my own health have made it necessary for me to return to Nahant this evening. I regret this, on account of some engagements here—but for none that are more interesting than that on which we conversed yesterday.

I intend to return the moment the weather will permit, and if that should be before Wednesday morning, I will immediately call on you.

I have read again the 32d Canon, with your argument upon its construction; and though it would be presumptuous in me, on such a cursory view of the subject, to express an opinion opposed to that of the ecclesiastical tribunal, who have jurisdiction in the case; yet, if they have not decided the question, I should say that your argument was unanswerable. In speaking of your argument, I refer to your oral account of the origin and history of the Canon, as well as to the written statement.

The argument, though susceptible of much enlargement and illustration, may be briefly stated thus:—

The canon is not obligatory in those States, with whose usages or laws it interferes.

By the usages and laws of Massachusetts, there is no tribunal that has power to dissolve the connection between a minister and his congregation, against his will, unless for some fault on his part; and

every settlement of a minister is presumed to be for life, unless otherwise expressed in the contract of settlement.

It is also contrary to the spirit of the Church government and discipline, that the station of a minister should be "dependent on anything else than his own soundness in the faith, or worthy conduct."

It is therefore not required nor permitted by the 32d Canon, nor is it allowable by the laws of Massachusetts, nor by the discipline of the Church, that a minister should be dismissed against his will, unless for some fault committed by him.

I ought perhaps to add, that Ecclesiastical councils in our Congregational Churches do, I believe, sometimes *recommend* a separation between a Minister and his congregation, even when there is no ground on which they can lawfully *decree* or *order* such a separation. In such a case, however, I apprehend that the recommendation would be very different from that which is mentioned in the 32d Canon. If such a recommendation were manifestly just and reasonable in all its terms, as between the parties; and if it tended to the peace and welfare of the Church, and was in accordance with the general spirit of its discipline; it might perhaps be deemed a new fault in the minister to refuse to comply with it, and this might furnish the foundation of a new charge and a new trial before an ecclesiastical tribunal. I need hardly add, that in case of a recommendation, such as here supposed, for a separation without any fault in the minister, the utmost care should be taken that no imputation should remain on his character; and that a suitable provision should be made as to his pecuniary claims on the congregation.

I don't mention this point, as supposing it can be needful in the present case, but only to show that it has not been overlooked, and that if such a *recommendation* is ever allowable by the laws of Massachusetts, it has not the force of a command or decree, and cannot be followed by any penalty like the recommendation so called, in the 32d Canon.

I am, Dear Sir, with much respect, your obedient servant,

CHARLES JACKSON.

Rev. Dr. Jarvis.

How much reason I had to fear the operation of the 32d Canon, will appear from the following correspondence. The Bishop accepted the invitation of one of the most active members of the opposition, to stay at his house. This situation exposed him to the danger of being influenced by ex-parte statements. That he was so, however unconsciously, will appear from his letter.

Bristol, July 20th, 1825.

REV. AND DEAR SIR,

The unpleasant and critical situation of St. Paul's Church, and your own painful state of anxiety and suspense have dwelt very much upon my mind, and were not my thoughts diverted from the subject by deep domestic sorrows, would give me still greater concern. I doubt not your being supported by the testimony of a good conscience; and a full trust that the Lord will guide and direct you in that which shall be eventually most to his own glory, and your best good; yet the apprehension that the Church which you have nourished with such diligence and care, may soon be scattered and lost; and the strange fact that those highly respectable gentlemen, who so lately were your ardent

friends, should now appear as your opponents, must surely cause you no little pain. Your Clerical brethren I doubt not, some of them I am very sure, deeply sympathize with you. During my visit there in June, and after my return, I indulged the hope that the present unhappy state of things would be avoided; that by some small concessions and relaxation in points of little or no importance, and a frank and meek deportment, you would be able to heal the breach, regain the confidence of the people, and restore the Church to its prosperous state. Whether or not my views were unreasonable, the season for this now seems to be past. The question remains, What is now to be done? My peculiar situation prevents my advising with that freedom which I otherwise should do. That we are bound to follow after the things which make for peace; that to harbour resentment, or an unforgiving spirit is totally at variance with our profession; you are not to be taught. But I doubt not that you have found, what experience has long since taught me, that it is infinitely easier to maintain a sound faith and an orthodox system, than to attain to the meekness and humility—to the forgiving spirit—the self-denial and pure charity which are chiefly characteristic of a true christian. Trials, such as yours now present, call for the exercise of these graces It is in such conflicts that the christian truly shines. Is it not still possible, that by the exercise of these, some amicable adjustment of the present difficulties may be effected? Even if a separation is not to be prevented, is it not far better for your own credit, for your peace of mind, and chiefly for the honour of religion and the good of that noble parish in which you must feel deeply interested, that you should part with them all in peace, and labour to unite them together in harmony and love? This with the blessing of God must still be very much within your power. But if the course of this business is to continue as it has commenced, till decided as the canon directs, I shall expect, and as far as becomes me, must require, that the parties concerned will be in complete preparation to bring the business to a speedy issue. On your part I should suppose (without presuming to dictate) that you must take one of three grounds; either first, deny the existence of such a controversy between yourself and the parish, as the canon contemplates; or, admitting this, deny the necessity of a separation; or, if you are convinced that the connection must be dissolved, show (if such be your conviction) that the evil has but in part, or not at all, happened through your fault or negligence. And why should you not (the sooner the better) let the other party know, with frankness and candour, on what ground your defence (if I may so name it) is to be rested? I see not but the operation must be in every respect to your advantage. My own ill health has prevented my writing you on this subject immediately after my return. Whether it will be permitted me to see Boston next week is uncertain; my intention is to be there at the time appointed. We have need at this time especially to pray that the Lord will turn from us the evil which we most justly have deserved. Perhaps we have been too much elated and vainly confident in the prosperity of that Church. Whether his purpose be to humble our pride, or whatever end the Lord has in view, our prayer must be, His will be done.

Your very affectionate friend and brother,

ALEXANDER V. GRISWOLD.

Rev. Dr. Jarvis.

Boston, July 22d, 1825.

RIGHT REV. AND DEAR SIR,

Your letter of the 20th inst. has been received, and I am grateful to you for bestowing so much thought upon me, while you are bowed down by such heavy sorrows. There are expressions however in

your letter which justify the apprehensions I had formed, that situated as you were when in Boston, it would be difficult for you to keep clear of the suspicion that I have not conducted with propriety.

It is often among the afflictions with which we are visited that even our friends lose a little of their confidence in our integrity and wisdom, as well as meekness and forbearance. That a minister should contend with any in his parish, has upon the face of it an unpleasant aspect. Especially when those with whom he is obliged to contend, are men of fortune and influence, and appear amiable in the ordinary intercourse of life. If you were well acquainted with all the circumstances, and had been on the spot to witness the violence with which I had been assailed, you would I am sure do me the justice to acknowledge that I have not opposed an untamed temper, but have quietly though firmly resisted an unprovoked aggression.

I cannot believe that they who have attacked me, could have been such ardent friends as you imagine. William Appleton I did love and do still love; and I believe, if his generous nature were uninfluenced by others, he would be my friend. After you left town, an attempt was made to bring about an amicable settlement, and if William Appleton had alone been concerned, I am sure it would have been effected. But alas, you know not the persons with whom I have had to deal. If you did, you would not have been led to think me wanting in frankness or meekness, as your words imply. When have I ceased to follow after the things which make for peace? When have I harboured resentment? Or shown an unforgiving spirit? What evidence have you that I am not disposed to part in peace, or to labour to unite my congregation in harmony and love? I can readily imagine that such representations have been made; but will my Bishop believe them?

The parties who have determined to separate me from my flock, have never treated me with candour. It was their business to tell me frankly their wishes, and it was my right to be furnished with a specification of the grounds of complaint. If this had been done I should have been prepared. But no information was given me, and I was led to infer that they had very serious charges to bring. In this way I was taken unprepared, and have been obliged to toil, during these dreadfully oppressive summer days, to prepare for my defence next Wednesday. At this season none of the principal gentlemen of the bar are in town. It is a season of general relaxation. I cannot therefore obtain counsel; a privilege which the meanest culprit is allowed. I must appear before you, after a season of most oppressive and enervating weather, with no human aid to rely upon. Will you, under these circumstances, seriously advise me to put myself in my enemies' power, by disclosing to them the course I intend to pursue? And will my Bishop call it frankness and candour to do so? I do not wish to utter a reproach against them. I would not injure a hair of their heads if I had it in my power. But shall I, when they are using every means to injure me, expose myself defenceless to their assaults? My dear Bishop, I beseech you not to suffer an undue bias to warp your judgment. I deserve to be supported by you and my brethren. I am not contentious. I have no desire to remain the Rector of St. Paul's. But the 32d Canon has not, I am fully persuaded, any binding force in Massachusetts. I have a right to make my own terms of separation with these gentlemen. They have deprived me of much, and they want still to deprive me of my rights.

Let them come forward like christians and like gentlemen, recal their application to the Bishop, do me justice as regards the character I have sustained in Boston, and my usefulness as a parish minister—and give me an equitable remuneration for the great sacrifices they have caused me to make, and I have not the least objection to resign my

Rectorship. I have never had any other object from the beginning of this unhappy difficulty.

I am, Right Rev. and dear Sir, very faithfully your obedient son and servant,

SAMUEL F. JARVIS.

On the 27th of July, the Convocation met according to adjournment. Mr. Huntington kindly left his business in Hartford, and came to Boston for the purpose of aiding and defending me. The following protest was presented and read; after which it was supported by Mr. Huntington in a learned and able argument.

PROTEST

Against the operation of the 32d Canon, in the State of Massachusetts.

The undersigned Rector of St. Paul's Church, acting in the presence of God, appealing to the Searcher of all hearts for the integrity of his motives, and calling upon the whole Church to witness his entire and uniform submission to her authority, feels it his duty, nevertheless, solemnly to protest against any proceedings of the Bishop and his Presbyters, under the 32d Canon of the Protestant Episcopal Church in the United States of America.

I. Because the said Canon passed in 1804 to effect a special purpose, was in 1808 so far modified by the authority which enacted the same, as to release from the obligation of it, all those States with whose laws and usages, as well as all those particular Churches in the same, with whose Charters, it should interfere.

II. Because by this exception the very Church at Newark, New-Jersey, for the case of which it was originally framed, is now, by the excepting clause, precluded from acting under it; the Charter of that Church providing that the Rector is settled for life, and not removable at the will of the Vestry.

III. Because there are no precedents under this Canon applicable to the present case; none by which it can be shown, that a Rector is removable from his Church under the provisions of this Canon, unless it be in those States in which, by the laws of the land, he is removable at the will of the Vestry.

IV. Because the 32d Canon does interfere with the laws, and usages of Massachusetts, in the same degree in which it interferes with the laws of Maryland and South-Carolina; and as it is not in force in those States, so neither can it be in force here.

V. Because it interferes with the rights of the Rector, secured to him by the laws of the State in which he lives; and to act under it will be a violation on the part of the Bishop and Presbyters of those rights.

VI. Because the Canon, at its first enactment, was not approved but was reluctantly assented to by the Bishops, from its supposed necessity to meet the case of the Church at Newark; and was continued in 1808, without opposition from them, for reasons which do not apply in this State, as a necessary, but as they hoped, only a temporary evil.

VII. Because there are other modes provided by which the Vestry or Congregation of St. Paul's Church can bring their Rector to trial before the Bishop and his Presbyters, and can oblige him to relinquish his station, provided he has been justly liable to evil report, for error n religion or viciousness of life.

The undersigned in conclusion begs leave to express his entire confidence in the wisdom, justice and equity of the Bishop and his Presbyters; and his full persuasion that nothing in this Protest will be so construed, as to leave any suspicion that he wishes to evade a full investigation of his conduct.

SAMUEL F. JARVIS, *Rector of St. Paul's Church.*

Boston, July 27, 1825.

The reading of the protest, and the subsequent debate upon it, occupied the whole morning. In the afternoon, the question was taken whether the Bishop and Clergy were authorized to act in Massachusetts under the 32d Canon. There were nine Presbyters present. Of these two voted in the negative, and two, not having had time to make up their minds, gave blank votes. They stood therefore as four to five. The Presbyter to whom I had objected voted in the affirmative.

The question having thus been decided, that the 32d Canon is binding upon the Church in Massachusetts, nothing remained for me but to make my defence on the application of the Wardens and Vestry under it, as follows:

DEFENCE.

In the remarks I am now about to offer in reply to the application of the Wardens and Vestrymen of St. Paul's Church for the dissolution of the pastoral relation between me and the people committed to my charge, my object will be, not to accuse them, but to defend myself. I shall not willingly say any thing which can justly give offence even to those who have been most active against me, and have most endeavoured to injure me. I am not conscious that I feel towards them otherwise than as a Christian or a Christian minister ought to feel. Whatever may have been my errors and failings, a want of love for my parishioners, even for the very gentlemen who now appear against me, cannot justly be laid to my charge. By their proceedings since Easter last, they have injured me most deeply; but I shall never cease to pray that they may be forgiven, and that I also may receive forgiveness of my offences at the hand of my Heavenly Father, as I forgive them the trespasses they have committed against me.

With such views, and under the influence of such feelings, I shall now endeavour to show to the Bishop and his Presbyters, how defective is the evidence before them concerning the questions of facts which would arise under the 32d Canon, even if they were permitted by the law of Massachusetts to act under it on the present occasion.

I. In the first place, there is no evidence before the Bishop and his Presbyters that there is such a controversy as the 32d Canon contemplates.

The title of the Canon is "respecting the differences between ministers and their congregations." The first question then is,

Who are the Congregation with whom a minister can have any difference? They are the adult persons within his cure; and the 40th Canon defines the acts by which adult persons are to be so qualified. They are to be placed by the minister on his list, but he is forbidden to place any on his list, unless they have, first, been baptized in the Protestant Episcopal Church, or secondly, having been otherwise baptized, have been received into the Protestant Episcopal Church, either by confirmation, or receiving the communion, or some other joint acts of the parties and of an Episcopal minister, by which the former have attached themselves to the Protestant Episcopal Church. The "congregation," therefore, contemplated by the 32d Canon, consists of all the adult persons who have been placed on the minister's list according to the limitations above mentioned. Now in St. Paul's Church, there are nearly 400 adult persons who have so attached themselves to it. Will it be affirmed that there is any difference between me and more than seven-eighths, nay even nineteen-twentieths, of this Congregation? Such an affirmation, were it made, would be on the face of it, absurd. The Congregation has been formed by me during the last five years. In this land of perfect religious liberty where every man has a right to attend publick worship where he pleases and as long as he pleases, the very continuance of the Congregation on my ministrations, affords a strong presumptive evidence that they are attached to me. If they were not, what have they to prevent their changing their minister? Even the new Proprietors of pews, small as their number is, must have bought, from feeling satisfied with their pastor. No other idea is accordant with common sense. Nothing can overcome this evidence, but a formal and official declaration of the parties that they have a difference with their Rector.

It is maintained that the Records laid before you are the evidence of a controversy; and it has been affirmed with great confidence, as if the statement were unanswerable, that Records are the highest possible evidence in any case—a kind of evidence which cannot be resisted or gainsaid. The position is admitted so far as Records testify. But what do they testify? Are they the parish Records—the Records of the Congregation? No. They are the Records of the Proprietors of St. Paul's Church. The Congregation as such have had nothing to do with them. The majority of the Proprietors may not even be members of the Congregation. They may belong to another religious denomination; just as in England, a Dissenter may be a patron of a living in the Church of England. Would their Records in such a case be any evidence of a controversy between a minister and his Congregation? They would be simply evidence of a controversy between him and the Proprietors; and it is to be remembered that the term "Proprietors" is one of which the Church knows nothing, which is unfriendly to all her institutions, which, it is believed, is

peculiar to Massachusetts, and which derives its origin wholly from Congregational usages.

But do the Records in fact present any evidence of a controversy with the whole, or even with the major part of the Proprietors? No. They are the evidence of the state of feeling of the majority of those who were present at the several meetings; of their proceedings under those feelings; and of the conduct of the Rector towards them, so far as any act of his appears upon the Records. If the Bishop and Clergy will please to examine the Records, they will find, that from Nov. 27, 1820, when the numbers present are first recorded, to May 10, 1824, being in all thirteen meetings, the average number of persons present at each meeting was only eleven. The largest number present at any one of them, was seventeen; the smallest number when any business was done, eight. Of these the Wardens and Vestry always formed a large majority. Some of the most important votes were passed by nearly the smallest number. The vote, for instance, of Nov. 6, 1823, fixing the salary of the Rector at $1,500, which was the beginning of all difficulties, was passed when only nine were present, of whom seven belonged to the Vestry. The vote of April 19, 1824, when the dissatisfaction with the Rector was first openly manifested, was passed when only eleven were present, of whom one certainly, if not more, did not approve the measure.*

With regard to the Records after the 10th of May 1824, that is, for the present year from April 4th to June 10th 1825, as the number of persons present is not recorded, I have it not in my

View of the numbers present at Proprietors' meetings in St. Paul's Church, from Nov. 27, 1820, when the numbers present are first recorded, to May 10, 1824, the last in which the number present are recorded.

No. of Proprietors meetings.	Times of Proprietors meetings.	Whole No. present.	No. of the Vestry present.	General Remarks.
1	November 27, 1820,	17	9	
2	April 23, 1821,	14	10	Annual meeting. Two Wardens and 12 Vestrymen elected.
3	" 15, 1822,	9	7	Adjournment of annual meeting. Two Wardens and 12 Vestrymen elected.
4	December 16, 1822.	14	8	The Rector's letter of Dec. 5, 1822, and important resolutions on fiscal concerns of the Church.
5	January 6, 1823,	8	7	Report, &c. relative to building tombs.
6	" 23, "	13	9	Arrangements about pews with the Building Committee.
7	March 31, "	5	2	Annual meeting; stormy, no business.
8	April 7, "	11	7	Adjourned annual meeting; two Wardens and nine Vestrymen elected.
9	" 14, "	8	5	
10	Nov. 6, "	9	7	Important vote, laying the foundation of all future difficulties.
11	April 19, 1824.	11	7	Annual meeting. Two Wardens and nine Vestrymen elected. First dissatisfaction.
12	May 3, "	13	8	Approving all proceedings since Easter 1823, including therefore vote of Nov. 6.
13	" 10, "	12	8	Rector's unqualified assent to vote of Nov. 6.
	Average number,	13	144	11.

power to show how far the Records exhibit the sentiments of the Proprietors in general. If I am correctly informed, there was a considerable opposition at the meeting of May 23d, and the minority complained that they were not permitted to exercise the parliamentary prerogative of a free and undisturbed expression of their opinion. In consequence of this, several would not attend the meeting of June 10th; assigning as a reason that their liberties were violated. How far this statement is correct, it is not for me to assert; but surely it becomes necessary, before the Records are received as indubitable testimony, to ascertain how the votes were obtained. Certain it is, that a call for the yeas and nays to be entered on the Records, which would have determined this point, was refused. It is stated to me, that at this meeting of June 10th, when it was resolved to make application to the Bishop for a dissolution of the pastoral relation between me and my Church, there were but 23 Proprietors present. Of these I am told that 18 voted for the measure; that of this number, three at least are not Episcopalians, attending worship at Congregational or other meeting-houses, and openly avowing their unbelief in the faith of the Church; that of those who attend at St. Paul's, two are unbaptized, and therefore by the 40th Canon excluded from my cure; and of the rest, that several are known to be either opposed or indifferent to the distinctive principles of the Protestant Episcopal Church.

What then do the Records prove? At most the dissatisfaction of a minority of the Proprietors, of whom the Vestry were in almost, if not in all cases, an overwhelming majority. The Vestry therefore were principals in every or almost every instance; at one time acting in their capacity as Proprietors, at another time, in their capacity as a Vestry.

But it may be said that the Canon contemplates a controversy between a minister and the Vestry as well as the Congregation. The words of the Canon are, "In cases of controversy between ministers who hold the Rectorship &c.—and the *vestry* or *congregation* of such Churches or Parishes." Whence it may be inferred that if there be no controversy between a minister and his Congregation, yet if there be one between him and the *Vestry*, the Canon will apply. But to this it may be answered, that the Canon does not consider the Vestry as principals, but as the constitutional organ of the Congregation, according to the established usages of the Protestant Episcopal Church. If the Vestry had been considered as principals, the title of the Canon would have run thus: "Respecting differences between ministers and their *vestries or* congregations." The uniform practice in the Episcopal Church in all the States south of New-England is an evidence that this construction is correct. All persons who by the 40th Canon are members of the Church are entitled to vote for Wardens and Vestrymen. These are then their representatives. The Congregation never meet but once a year, and they meet

not for the transaction of any temporal concerns, but only for the appointment of these officers. After this all business is done by the Vestry, and their acts, according to a well known legal maxim, are the acts of the Congregation. The custom of confining the right of voting to Proprietors, is, as far as my knowledge extends, peculiar to Massachusetts. In England it is confined I believe to Communicants. At least such was the practice in Trinity Church, New-York, derived from English precedents, previous to the Revolution. After the Revolution the right was enlarged by an act of the Legislature so as to be commensurate with the provisions of the 40th Canon. South of New-England therefore the Wardens and Vestry are as much the representatives of the Congregation, as the members of a State Legislature are the representatives of the great body of the people. And even in Boston, where the Proprietors only vote, the practice in its results, is not very widely different from what it is in other parts of the Union; because in Christ and Trinity Churches, a very great majority of each Congregation own their pews. The Wardens and Vestrymen of these two Churches are therefore the organs of their respective Congregations. But are the Vestry of St. Paul's Church, the organs of the Congregation? No: for the Congregation have had no voice in their election. On the contrary, owing to the unparalleled and unprecedented condition of this Church,—a condition in which it differs from every other Church in America, the Vestry are only the representatives of a small minority. In fact, they have, in every instance, as the records will show, elected themselves. They are the representatives of nobody but themselves; and acting, sometimes as Proprietors and sometimes as a Vestry, they have had the entire and irresponsible controul of all the temporal concerns of the Church. Their proceedings and declarations are not therefore entitled to that consideration which is due to the acts of the Wardens and Vestrymen of all other Churches, because they resemble those bodies only in name. Their records are merely ex-parte statements; and cannot be appealed to as any evidence that a controversy exists between the Rector and his Congregation, as contemplated under the 32d Canon.

I hope that what I have said may not be understood as personally disrespectful of these gentlemen. It is only their official character of which I am speaking. Their standing in society is exalted. They are in general wealthy. They are possessed of great influence. They afford the means of living to many of my parishioners who are in humble life. By their exertions the Church has been built; and they are entitled to exercise a great deal of power in the management of its concerns. They have exercised it. They own the advowson of the Church, and when the Rectorship is vacant, they, as the patrons of the living, have the right to present the incumbent. The question now is, whether they are to be, not only the patrons, but the visitors of the

Church; whether their will is to govern, even when it is opposed to the law of the land, to the wishes of the Congregation, and to the well known principles and wholesome discipline of the Church to which they profess so undeviating an attachment.

II. But, in the second place, if on the authority of these records we admit the fact that a controversy has existed between the Rector of St. Paul's Church, and the gentlemen whose sentiments the records express, that controversy, I maintain, has been settled. According to the records themselves, the only difference, previous to the present year, respected the vote of November 6th, 1823. They alleged that the vote in question was founded on the basis of my letter of December 5th, 1822. No record is entered in their book of any meeting in which they appointed a committee to call upon, and to tell me that the condition of the Church was such as to make it necessary for me to consent to a reduction of my salary. Nor is there on their records the appearance of any report of that committee. In both these particulars their records are defective. Perhaps I ought to have asked that committee before I began to confer with them, for a certified copy of their appointment, and the object of it. Perhaps too I ought to have conducted all negotiations in writing. But I had the fullest confidence in these gentlemen, and such precautions did not once occur to me. I had a right to expect, that when I wrote a letter which could be justly construed only by reference to the conversation whence it derived its origin, the substance of that conversation should have been reported. If the committee did not, they strangely neglected their duty; if they did, it ought to have been recorded. But it is not recorded, and in the proceedings of December 16th, 1822, my letter of the 5th of that month appears as if it had been prompted by no previous application on the part of the Proprietors. Of all this I was ignorant, and nearly a year was suffered to elapse before they acted upon the letter thus obtained. When they did so act, I was absent, and was totally unconscious of the construction put upon my letter and the use that was to be made of it. Is it surprising that I was averse to give it my sanction? Or could such an aversion be justly construed into a disposition to make difficulties? So far was I from having any such disposition that I never mentioned the subject to any of the Congregation; and it is a fact that the greater part of them, and for aught I know, the whole, were utterly ignorant, till the disclosure was made by Mr. Wilby, that the Proprietors had not complied with their engagements respecting my maintenance. I did not even ask of the Proprietors, much as I wished for such a measure, that they would repeal the vote of November 6th. All I asked was, that I should not be obliged to give it my official sanction. But even this small request was denied. I must send them a written communication assenting to their proceedings. This I felt at first that I could not do; and I drew up a letter frankly expressing my objections. I showed this letter to a friend in

whose judgment I reposed implicit confidence. He was alarmed, fearing it would irritate the feelings of gentlemen who were unaccustomed to opposition. At his suggestion, and even entreaty, I substituted another which appears among your documents. I allude to the letter of April 19, 1824. Yet this letter, mild and uncomplaining as it was, the Proprietors voted to return to me, as not being sufficiently explicit. After some further discussion, I at length yielded to their demands in my letter of May 8th, 1824. Having done so, I considered the whole difference as settled, and determined never, if possible, to think or speak of it again.

It will be recollected, that the whole of these transactions were managed, first by nine, next by eleven, afterwards by thirteen, and lastly by twelve persons. Was the controversy then on my side, or on theirs? They were resolved to support a vote passed without my concurrence by nine persons; a vote which deeply affected my rights, but to which nevertheless they required me to give an unqualified assent. For the sake of peace, and from an unwillingness to jeopardize the spiritual interests of my flock, I yielded to their wishes. Where was the controversy? With the great body of the Proprietors, there never had been any; and even with the few gentlemen concerned, it had ceased to exist.

But it is maintained that I revived the controversy by the expressions contained in my letter to the Senior Warden. This, in my letter to the Proprietors of April 19th, which is among the documents before the Bishop and Clergy, I most solemnly denied. Having once assented to the vote of November 6th, 1823, nothing short of an official letter to the Proprietors, or to the Wardens and Vestry, ought to be considered as an expression of unwillingness on my part to comply with its stipulations. My letter to Mr. Wilby was a private and confidential expression of opinion, drawn from me at a moment of unguarded excitement. There is nothing on the face of it which shows that it was an official letter. It is neither directed to Mr. Wilby as Warden, nor is it signed by me as Rector of St. Paul's. I ought to be permitted to explain my own language and my own intentions.

III. But thirdly—if my letter had been official, and if the controversy had thereby been revived, what evidence is there before the Bishop and his Presbyters that it could not be settled between the parties? The Canon, by its own limitation, is to take effect only in case that the "controversies are of such a nature as cannot be settled by" the parties "themselves." Is there any evidence before the Bishop and Presbyters, that the Wardens and Vestrymen, or the Proprietors whom they represent, have ever attempted to settle the controversy?—I forbear to speak of what was asserted by one of their number, that the very committee appointed on the 18th of April to confer with the Rector, was appointed for the express purpose of dissolving the connection between me and my Church. I forbear to speak of the methods taken, of which I have ample evidence, to bias the minds of the

Proprietors who were supposed to be my friends, in order to deter them from acting in the case. I forbear to speak of the unwearied efforts used among the Congregation to keep them quiet—and of the aspersions on my moral character which appear to have had, at least partially, the effect for which they were set in motion.—I forbear;—because my object is—defence—not attack. I am confident that when the present ebullition of excited feeling shall be suffered to subside, these efforts will be viewed with regret by those who have made them; and there will then be some returning kindness towards the unoffending individual who has sustained towards them the sacred and endearing relation of their pastor; and who has heretofore taken delight in the performance of his functions towards them, truly sympathizing in all their sorrows, and rejoicing with them in all their prosperity.

Instead of dwelling on the course they have pursued, I shall ask the attention of the Bishop and Clergy to my own; referring them chiefly and with very few additions, to the evidence which the Vestry themselves have furnished.

I first endeavoured in my letter to the Chairman of their Committee to explain and conciliate. But the endeavour was vain. All explanations and overtures for peace, were rejected. And so determined did they seem to one of my friends to listen to no accommodation, that while I was in New York, he wrote to me not to make concessions, because all concessions would be vain.

On my return I sought for a conversation with one of the most active of my opponents whom I then considered as my friend, and in order to take measures for healing the breach, desired him to tell me every difficulty which existed.—In addition to those growing out of my letter to Mr. Wilby, he enumerated various particulars; such as, that I would not alter the service of the Church to suit the publick feeling—that I preached too much on the forms of the Church,—on the Apostolick succession of the Christian ministry,—on Baptism and Confirmation—and that I baptized children too frequently in the presence of the Congregation.—As he intimated during the course of his remarks, that the Proprietors doubted my sincerity, I saw that all future conversation would be unavailing, and thenceforth determined to preserve a strict silence.—In no case have I since then broken that silence with any of my flock for the purpose of vindicating myself; nor have I attempted to raise a party, or to bias in my favour a single individual in the parish.

On the 7th of June I received a letter from the Vestry enclosing to me the not-yet-accepted report of the Committee of the Proprietors offered on the 23d of May, and "earnestly entreating me to consider the consequences—of placing such a document with the letters therein referred to, upon the records of St. Paul's."—What was the object of this? None was distinctly avowed; but was it not to induce me to resign, without their making any

formal request for that purpose?—And supposing I had done so,—what would have been the situation in which I should have placed myself?—Imputations were afloat in the community seriously affecting my character and my future usefulness.—If I had resigned, these imputations would have been fastened upon me. It would have been natural, and even just for the publick to suppose that I shrunk from investigation, and that some grievous offence must have been committed by me, or all this tumult could not have been excited, and gentlemen of such personal respectability arrayed against me.—With regard to pecuniary compensation, I should have put myself completely in their power. I had already sacrificed several thousand dollars, for the sake of peace, and by resigning I should have lost all claim in right or equity, and have been placed at the mercy of their spontaneous generosity.

Under these circumstances I thought it prudent—and I acted upon mature deliberation, with the advice of judicious friends—to ask an explicit avowal of their wishes. This I did in my letter of June 9th.—I asked them to tell me whether it was the wish of the Proprietors to bring about a separation between me and my Congregation, and if so, on what terms they would propose a separation. Or, if it was not their wish to separate me from my flock, what they would require from me to heal the wound the existence of which the report of their Committee affirmed. Instead of expressing any aversion to a separation, provided the good of the Church should require it, I assured them of my feeling "a strong desire to meet the wishes of the Proprietors, so far as I could do it consistently with a sense of duty."

What was the manner in which this letter was received? Was there any attempt at negotiation? Were any terms of separation proposed?—On the contrary, the Vestry in their letter of June 10th, refused to enter into the consideration of any terms, expressed their belief that a separation was necessary, and instructed their Committee by whom they sent it, to require an immediate answer.—I communicate to the Bishop and Clergy, a statement of the conversation which I had with this Committee, which I instantly wrote down, and in which therefore I have preserved even the language which was then used to me.

Upon the return of that committee, the Vestry reported to the Proprietors, that I declined giving an immediate answer; and instantly the report of May 25d was taken up and accepted.—A vote followed, affirming the existence of a difficulty which precluded all hope of my future usefulness, and the Vestry were authorized to make application to the Bishop of the Diocese for a dissolution of the union between me and my flock. No time was given for any deliberation on a subject which required so much. The most solemn and important of all contracts was required to be instantaneously dissolved; and no security was offered to me that I should receive any remuneration for the losses to which I should inevitably be exposed.

This evidence is furnished by the records and documents laid before the Bishop and Clergy. So that even from the representations of the Proprietors themselves it will appear, that no attempt has been made on their part to bring about an amicable settlement.

Yet so strongly have I been inclined to promote peace and quietness, that immediately after the last meeting of the Bishop and Presbyters, I conferred with my friends on the question, whether any thing could yet be done to prevent the unpleasant extremity to which this unhappy difficulty seemed to be hastening. In consequence of this conference, I addressed the following letter to the three gentlemen therein named, who being sincere friends to the Church, but not members of my congregation, seemed to be most proper to act as mediators.

Boston, July 18th, 1825.

GENTLEMEN,

Feeling at all times desirous to avoid even the appearance of controversy, I avail myself of the suggestions you have made; and take the liberty of requesting you as my friends to interpose your kind offices to effect, if possible, an amicable termination of the unhappy difficulties which now exist in my parish. With respect to the terms upon which this is to be done, it may be sufficient for me to say, that you have full authority from me to make such a settlement as to you may appear expedient; always provided that nothing is acceded to on my behalf, which may have the most remote tendency to cast a shade upon my character as a man and a Christian minister.

I am Gentlemen, with the highest consideration of your friendship, your obliged and humble servant,

SAMUEL F. JARVIS.

To George Brinley, John Richards and S. H. Huntington, Esquires.

The following report with the papers enclosed, will show how unsuccessful was the attempt.

Boston, July 25, 1825.

REV. AND DEAR SIR,

In compliance with your wishes expressed in your letter of the 18th inst. which left the mode of adjustment and separation between yourself and the parish of St. Paul's to be determined between the Wardens and Vestry and ourselves, we waited upon one of the gentlemen of the Vestry on the same day, and agreed to meet a committee of conference as soon as appointed:—and we were in session with that Committee for a considerable part both of the morning and afternoon of the ensuing day.

We lament most sincerely to acquaint you that the result of these conferences has disappointed us extremely, and that we have been unable to accomplish the object of all our wishes.

Your letter having been explicit upon the subject of character, and prohibitory of any agreement which might cast a shade upon it, we thought it most prudent to insist in limine, upon "satisfactory testimonials." And though the other party were inclined to make an "immediate separation" as their basis of negotiation; they were not tenacious upon the point, and met us as we wished. The testimonials offered by them—the amendment proposed by us—and further interlineations in pencil which were rejected by them, are herewith all

handed to you in the original document;* which will explain the views and proceedings of both parties, and (neither being disposed to recede) the grounds also of their breaking off.

Their offer we considered as unequal to your expectations; and an insufficient recommendation to another parish without ulterior explanation; and in case our opinions might be erroneous on this head, we thought it safer to have such a testimonial passed under the sanction of the Council than as a precedent by Laymen.—We also thought that whatever offence might have been given by the two letters of which they complain so much; that you were entitled to such a certificate of moral and religious character as they would have acquiesced in before the letters were received: and especially as the question of character bore no part in the origin of the dispute.—Indeed, we have found the gentlemen so sensitive upon these letters, that we consider them the principal obstacles to adjustment.

A few words only were said as to the time of separation, the discussion been mostly confined to the certificate of character.

In every instance we were received with the greatest civility and respect; and the gentlemen made frequent assurances of the painful task they had to undergo.—We most sincerely lament the insufficiency of our exertions; and with sentiments of respect and friendship, remain, Dear Sir, your obedient humble servants,

(Signed) GEORGE BRINLEY,
JOHN RICHARDS,
S. H. HUNTINGTON.

We also enclose the original note from the Committee of conference, and the vote of the Wardens and Vestry of St. Paul's, by reference to which, you will observe that our negotiation has terminated.

(Signed) GEORGE BRINLEY,
JOHN RICHARDS,
S. H. HUNTINGTON.

To the Rev. Samuel F. Jarvis, D. D.

I appeal then to the Bishop and Clergy whether I have not done all that I could to settle the controversy, and whether there is any evidence before them, of any disposition, or any attempt on the other side, to bring it to an amicable termination.—On the contrary is there not every reason to believe, that to produce a separation has been their settled design from the first; that a difference has been created for the purpose of producing a separation; and that when thus created, the expression of their will is required by them to be regarded as testimony that the breach cannot be healed. On this ground therefore the Canon cannot be applied to the present case, because there is no evidence that the controversy is of such a nature that it cannot be settled by the parties themselves.

IV. I have now attempted to show, FIRST that there is no evidence before the Bishop and Presbyters of there being such a controversy as the 32d Canon contemplates: SECONDLY, that the only difference which has ever existed, was settled in 1824 by my yielding an unqualified assent to their wishes; since which it has never been revived by me: THIRDLY, that if it had been so revived, there is no evidence that it could not be settled by the parties. I proceed therefore,

* For this document, see p. 57.

In the FOURTH place to ask, whether the Bishop and his Presbyters have any evidence that a dissolution of the connection is indispensably necessary to restore the peace and promote the prosperity of the Church.

On this point I shall be very brief. The 32d Canon was framed to meet an exigency which occurred in the Church at Newark, New Jersey, between the Rev. Dr. Ogden, and the Congregation of that Church, and which threatened its very annihilation. It appears from Bishop White's Memoirs of the Church, that Dr. Ogden had a leaning towards practices inconsistent with the principles of the Protestant Episcopal Church. What those practices were, the Bishop further intimates by saying that Dr. Ogden gave evidence of the truth of the allegation by joining another denomination of Christians. On the 19th of December, 1804, about three months after the passage of the 32d Canon, he renounced the communion of the Protestant Episcopal Church, but insisted upon retaining his Rectorship. After his suspension, he became a Presbyterian Minister, and retained a rooted enmity to the Church all the rest of his life.—Such was the difficulty which this Canon was framed to meet. I need not ask the Bishop and Clergy to consider, whether the present case bears any analogy to that which was in the mind of the Convention when they framed the Canon. In that case the Congregation were sound churchmen; attached to the Church from their infancy both by habit and principle; and were disaffected towards their minister because his attachments to the Church were weak and unsound.—But supposing that the Congregation had been loose in their attachments to the Church, and their minister a favorite of the majority, would such a Canon have done any service? On the contrary it would have hastened the catastrophe. The decree of the Convention would have been powerless, unless the law of the State had interfered. Dr. Ogden would have retained his parish, and the Church would probably have been, like the King's Chapel in this city, in a state of irreparable schism. I mention this to show the great danger of deserting general principles, and legislating for particular cases, and how little such a Canon could effect, except in the precise conjunction of circumstances to which it owed its origin.

In the present instance, what evidence have the Bishop and Clergy that the Congregation are not personally attached to their Rector, and that they will not desert St. Paul's, if he should be removed from their head?—

I trust that neither the Bishop nor my Brethren will suppose me capable of promoting or encouraging such a schism.—But I ask what evidence is there before them that such will not be the result; and that the Congregation which I have been labouring to form for five years, will not be speedily dissipated?—The Vestry, it must again be observed, are not, as in all other Churches, the representatives of the Congregation, and there-

fore do not speak the minds of the Congregation. Neither their proceedings, nor the proceedings of the Proprietors, furnish any evidence that the Congregation have lost their attachment to their Pastor. On the contrary, there is the strongest presumptive evidence that they retain their attachment, because they still continue their attendance on his ministrations.

Never was there a happier pastor, or a more united flock, than existed in St. Paul's Church last Easter Sunday. My soul is even now refreshed by the recollection of the spiritual joys which we shared in our communion on that day.—But alas! the bright vision of that happiness has almost faded from the view; and for me there is little reason to expect its returning brilliancy.—I wish it distinctly to be observed, that I have no desire on my own account to continue in the Rectorship of St. Paul's Church. If I have any remaining desire, it is only for the sake of that dear flock, among whom I have laboured, and to whom I am tenderly attached.—It certainly would not be a pleasant situation for me to be connected with gentlemen who have exhibited such dissatisfaction as I can scarcely hope to overcome. They who inflict an injury, are generally the last to forgive.

By the present application to the Bishop and his Presbyters, I feel that I am most deeply injured. Ten years had I been in the ministry, when I was induced by urgent and flattering representations of increased usefulness to come to Boston. Every circumstance respecting me was well known; for I had done nothing in a corner. With this perfect knowledge of me, I was taken by these very gentlemen from an honourable situation, and with a character unblemished—a situation where I had a permanent provision for life, among those who were tenderly attached, and whose regret has been ever since expressed, that I left them—a situation superior to my present one in emolument, even if the Vestry had fulfilled all their obligations—and immeasurably superior, as it regarded the happiness and quiet of my domestic life.

And now, after five years of severe and unremitted toil, the same gentlemen require that I should be dismissed without any provision for my future support; the very application being injurious to my reputation, and operating as it must on the community, should it be successful, to prevent my future settlement. Will the Bishop and Clergy consent to place me in such a condition? Are there any circumstances of expediency which can justify the infliction of so much personal wrong?—If I have been guilty of immoral conduct or neglect of duty, I refuse not to suffer. The interests of the Church require that I should suffer. But if I am innocent, will my Right Reverend Father, and my Reverend Brethren sacrifice all that is dear to me, to gratify the irritated feelings of a few influential gentlemen in my parish?—I cannot for one moment believe it. They will surely dismiss the application. They will not interfere with the rights which I possess. They will leave it to me to settle my own terms, in the event of

a separation, as is usual in those States and those Churches in which the laws or charters provide for the permanency of ministerial settlement.

SAMUEL F. JARVIS, *Rector of St. Paul's Church.*

Boston, July 27th, 1825.

After this Defence was read, and immediately before adjournment, permission was asked on the part of the Wardens and Vestry to be furnished with that and the other papers presented by me, for the purpose of preparing an answer. Accordingly the next morning, the following answer was presented.

The Wardens and Vestry of St. Paul's, in reply to the Rev. Dr. Jarvis' defence, refer to the facts which have appeared in this investigation. They think the defence needs no other answer.

It was asserted at the first session of the Convocation that the Records were in themselves sufficient evidence of a controversy; and that the Wardens and Vestry intended to bring no other. My defence, therefore, turned upon the insufficiency of this evidence, as I conceived that the burthen of proof lay upon the Proprietors. But immediately after it had been read, a proposal was made on the part of the Vestry to introduce evidence *in support* of the Records. And what evidence was introduced? The witnesses were the Wardens and Vestry themselves!—the very persons who had framed the Records, and who were the parties concerned! I was surprised, I confess, that this irregular course was permitted; but I would not object to it, because I hoped in that way to obtain what I had vainly sought for in the regular manner. I hoped that the witnesses when under oath would be obliged to do, what they had hitherto successfully avoided,—declare explicitly whether they had any charges against me affecting my character.

My hopes were not disappointed. The Junior Warden—whose hints and vague expressions had produced an impression upon the publick that there was something untold and unexplained, which as my friend it was his duty to conceal, and who had thus excited suspicions which did more injury than direct and open accusations;—the Junior Warden being asked the following question by one of the Presbyters, "Do you know of any error in religion or viciousness of life in the Rector?" answered, "No: nothing." And on the cross-examination being asked "What he meant when he had said that it would be better for Dr. Jarvis to avoid an investigation?" he answered that he meant only to say that Dr. Jarvis, as well as any other clergyman, would lose something in public estimation by going through such a trial. One of the Vestry testified that the letter to Mr. Wilby of April 9th was the occasion of the present difficulty, but did not think the letter alluded to the *only* ground of dissatisfaction. He was then asked to name the other grounds. In reply he said, he wanted the

Rector to commence the service five minutes earlier,* and make it five minutes shorter, which would have gained ten minutes in the morning. This would have enabled him and others to get to the Post-Office in proper time for their letters—as soon as gentlemen of other Congregations.

The former Warden being asked if he had known any cause of dissatisfaction previous to the letter to Mr. Wilby, said that he knew of small matters; but whether they would have come to this, he could not say.

The Chairman of the B. C. said he had been absent from 1823 'till May of this year; knew that the attachment to Dr. Jarvis was growing less for one year previous to his going away, and therefore was not surprised to hear of the difficulties;—said that in his opinion the difference was irreconcilable, that no recantation could possibly heal the breach, and that for himself it was not possible that he should feel towards Dr. J. as he once did.

On one point, the sentiments of the witnesses were much at variance. Two expressed their opinion, that an early apology for the letter, would have satisfied them. One declared that no retractation or concession would have altered his feelings; another, that none would have been availing; and the Chairman of the B. C. that "if Dr. J. should have retracted what he had said, it would only have left him in inextricable inconsistencies."

It will be seen therefore that no new matter was advanced by these witnesses; no cause for controversy which had not already been stated on their records; no cause which had not grown out of their own failure to perform the obligations they had voluntarily contracted, and their irritated feelings occasioned by the expence they had incurred, and the difficulty they had met with in selling their pews. Nothing in short which would justify their refusal to give me the testimonials which I had sought from them as the only essential condition of my resignation.

The Senior Warden alone brought forward any charges affecting my moral character. One of the witnesses having stated that Mr. Wilby said to him, "If Dr. Jarvis says so, he lies, and he knows he lies, and you may tell him so." Mr. Wilby rose in the Church, in the presence of the Convocation, and repeated the same expressions. He assailed me indeed with such gross and abusive language, that at length one of the Presbyters arose and rebuked him, and then turning to the Bishop asked for an adjournment. I have reason to believe that the impetuosity of Mr. W.'s temper now brought to light the calumnies which he had so industriously circulated. These had fully answered the purposes for which they were set in motion, on his credit alone; but they could not be brought forward as charges unless the Vestry as a

* The bells for morning service begin to ring at 10 o'clock. It was my invariable practice to go into the reading desk fifteen minutes past ten. I usually went into the pulpit at twenty or twenty-five minutes past eleven, and it was seldom the case that the Congregation were not dismissed by 12 o'clock.

body had taken upon themselves a responsibility which then rested, and it was evidently their desire, should rest solely on him. He stated three charges. First, that in the beginning of 1824 I had distinctly proposed to him to head an opposition to the leading members of the Vestry. It was a thought which never entered into my mind, and the persons whom he named as being proposed by me, expressed their utter astonishment, as this was the first time they had ever heard of such a design. The second and third charges were, that I had tempted him to certain breaches of trust with regard to the communion money, and a fund for the purchase of books. As he did and could produce no evidence, but his own declaration, and I happily had it in my power, by the testimony of the Junior Warden himself, to show that it was the evil suspicion of Mr. Wilby which alone had given to my conduct the colour of a crime, I think it unnecessary to take up my own time or the time of the reader, by dwelling longer upon the subject. I shall only remark that this dangerous tempter of Mr. Wilby's conscience was the very same Clergyman, in whose society he took so much delight, and for the sake of whose connection with himself and family, he was willing to live the remainder of his days upon bread and water.*

On Friday evening July 29th, I was informed by Mr. Huntington, that the Bishop and Clergy had determined to recommend the relinquishment of my title to the Rectorship. This decision was declared to him as my counsel, and to the Wardens and Vestry, before any consideration of the terms had taken place. That a promulgation should be made of a part of the decision, before the whole had been formed, appeared to me to be an irregular step, and the subsequent measure still more irregular. On Saturday morning the Bishop returned home, but recommended to the Presbyters to proceed in the business before them. A very important question here arises whether the Presbyters could act canonically without the Bishop. The distressing circumstances of his family, must, to every feeling heart, have seemed a sufficient reason not only for his departure at that time, but even for his not having left home at all; but if it was necessary for him to depart, the question is, whether an adjournment of the Convocation was not equally necessary. The general principle of the Church is, that nothing is to be done without the Bishop; and in the 32d Canon the recommendation to relinquish a title is to be made "on such conditions as may appear reasonable and proper," not to the Bishop alone, or to the Presbyters alone, but "to the Bishop and his Presbyters," in convocation assembled. Granting however, that it was regular for the Bishop to leave the Presbyters to proceed without him, the question then arises whether by his departure he did not concede to the Presbyters all his per-

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* See note on page 22.

sonal right of controuling the conditions. The importance of this question will more fully appear after the perusal of the correspondence which the absence of the Bishop occasioned.

The Bishop having left the Presbyters to proceed without him, Dr. Gardiner was placed in the chair, and the Counsel on both sides entered largely into the questions relating to the conditions of relinquishment.* In the afternoon the Presbyters adjourned *sine die*, but nothing was made known to the parties, on the ground that their proceedings must be sent to the Bishop to be approved by him, before any promulgation of them could be made. Thus publicity was given to the fact that a dissolution of the connection between me and my parish was to take place, while no one knew the conditions of separation. In this uncomfortable state of suspense did every thing remain 'till the 19th of August. On that day the Wardens and Vestry received an official communication from the Bishop, and on the 20th I received a duplicate. It was soon rumoured that the Bishop had altered the conditions agreed upon by the Presbyters, and this rumour reached my ears even before I had received his letter. The correspondence which ensued, and which led to the painful delay of my resignation, I shall now present in full to the reader. It will furnish a complete history of the proceedings from the 20th of August to the 29th of September.

Bristol, August 17th, 1825.

Rev. and Dear Sir,

In consequence of my being under the necessity of leaving the Council in Boston there has arisen some little misunderstanding and delay in communicating the decision to the parties concerned. I have been waiting for documents which would enable me to do it in a more regular form. But having just learned that such papers are not immediately to be expected, and fearing that this suspense may be painful and inconvenient, I lose no time in making known to you, in this less formal manner the decision and advice of the Council; which is

First. That on and after the 22d day of this present August, the Pastoral and Sacerdotal connection now existing between the Rev. Samuel F. Jarvis, D. D. Rector, on the one part; and the Wardens, Vestry and Proprietors of St. Paul's Church in Boston on the other part, cease and be dissolved. And

Secondly. That the said Wardens, Vestry and Proprietors pay, or cause to be paid to the said Samuel F. Jarvis, five thousand dollars, one half within one year, and the other within two years from the date hereof.

It is understood that Dr. Jarvis may at any time after the said 22d day of August preach a farewell discourse, and perform other official duties, by mutual consent of the parties concerned.

Alexander V. Griswold, *Bishop of the Eastern Diocese.*

Rev. Samuel F. Jarvis, D. D.

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* I was not present when the questions were discussed, from motives of delicacy; and from the same motives I declined giving my Counsel any instructions. I endeavoured to avoid even the appearance of making any personal claims for pecuniary compensation. Whatever, therefore, was urged by Mr. Huntington, was urged from his own sense of equity, grounded on the precedents existing under the Canon in the cases of Dr. Ogden and Mr. Jones.

Boston, August 20, 1825. *Saturday Evening.*

REV. AND DEAR SIR,

HAVING received this day a letter from the Bishop communicating to me what he has been informed was the decision of the Council respecting the terms of separation between me and St. Paul's Church; and having accidentally learned that in consequence of his absence, some misunderstanding must have arisen in his mind respecting those terms; I take the liberty of asking from you such a written statement of your recollections concerning them, as will enable me to shew the Bishop wherein the misunderstanding lies; and also your opinion, whether, under these circumstances, it can justly be considered as an act of contumacy on my part, if I delay the relinquishment of my title 'till this apparent misunderstanding be explained or rectified. The time of resignation fixed upon by the Bishop being the 22d inst. the shortness of the notice constrains me to solicit your early attention to this request.

I am, Rev. and dear Sir, your friend and brother, S. F. JARVIS.

*To the Rev. Asa Eaton.**

Boston, August 22d, 1825.

REV. AND DEAR SIR,

YOURS of the 20th inst. requesting from me a written statement of my recollections concerning the terms of separation between you and St. Paul's Church, agreed on by the Council, has been duly received. My recollections on this subject are, that the Council agreed, with the concurrence of the Bishop, to recommend to you to relinquish your title to the Rectorship of St. Paul's, on condition that the Proprietors pay you the sum of five thousand dollars, exclusive of your salary up to the time of separation. I cannot suppose that in the judgment of that charity which thinketh no evil, it could justly be considered as an act of contumacy on your part, should you delay the relinquishment of your title, till it can be ascertained what the terms are, on which you are advised to do it. Yours truly, ASA EATON.

Rev. Dr. Jarvis.

REV. AND DEAR SIR,

IN reply to your note of Aug. 20th I can inform you, that, at the close of the late Ecclesiastical Council held under the direction of Bishop Griswold, it was asked by a member of the Council, *when* the sum allowed Dr. Jarvis is to be paid? Two or three answered, at the same time, *that it would of course be paid at once, or as soon as the terms should be made known.* This seemed, according to my recollection, to make the impression general, that it was so to be paid; and I believe nothing more was said upon the subject. No *vote*, I think, was taken upon the subject, nor upon any other question at that time discussed—the conversation was rather desultory—when all seemed to acquiesce or agree in any particular for us to decide the matter was rather dropped without form, than regularly passed. Our chief aim was to be unanimous in what we did.

If the Bishop has misapprehended the intentions of the Council in a manner materially to affect the interests of either party, I should be decidedly of opinion, that there could be no reasonable objection to a delay in complying with the conditions as made known by the Bishop, sufficient to rectify that misapprehension, and that such a delay could not be considered an act of contumacy.

Yours, Rev. and dear sir, sincerely. J. L. BLAKE.

Rev. Dr. Jarvis.

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* A duplicate of this letter was sent at the same time to the Rev. Mr. Blake.

Boston, Aug. 22, 1825.

RIGHT REV. SIR,

FROM the inclosed copy of the communications received by me this day from the Rev. Messrs. Eaton and Blake, you will perceive that there is some misunderstanding relative to the decision of the Council respecting the terms of separation between me and St. Paul's Church. I regret that this circumstance, taken in connection with the shortness of the time allowed me, should produce even the appearance of a want of compliance on my part with what you are pleased to prescribe. I am persuaded however that you will be sensible how impossible it is for me to act otherwise, when you know that I did not receive your letter 'till Saturday the 20th; and this is the day fixed by you, on and after which a dissolution of the sacerdotal relation between me and my flock is to take place.

May I be permitted to inquire without giving offence, whether the language of the 32d Canon, or the precedents under it, justify an act on the part of the Bishop, so authoritative and so sudden? The Council as I understand, expressed no opinion as to the limits of time within which the parties should be required to signify their assent to the terms of separation, but left that entirely to the discretion of the Bishop. Did this render it proper to use the language of a decree, and to decide that on and after a particular day all sacerdotal relation should cease between me and my charge? If I had been pronounced, upon proof given, to be criminal, the Bishop would undoubtedly have had this right by the Canons; but being innocent of every thing in relation to my flock, save of loving them, and ardently desiring to promote their spiritual interests—(they will forgive me this wrong)—I ask whether it could have been expected of the Bishop, even under this very penal Canon, to do more than assign certain limits of time, within which the parties should be required respectively to interchange their assent to the terms prescribed. The language of the Canon, I believe it will be found, is not that of decree, but of recommendation; and in the only cases where this Canon has been resorted to, which have happily been very few, it has been usual to allow at least thirty days for its provisions to take effect.

I regret that this has not been done in the present case, as it would have permitted any mistakes to be rectified without subjecting me to the imputation of contumacy, which some perhaps may be inclined to impose. It would also have permitted me once more to have administered the communion and to bid farewell to my flock, to visit some sick persons, and to perform other occasional offices to which I have been invited, without subjecting me to the necessity of asking permission so to do, from the Wardens, Vestry and Proprietors.

I need not, I trust, assure you, Right Rev. Sir, that I am desirous to submit to the recommendation of the Bishop and his Presbyters, as soon as it shall be ascertained what that recommendation is. This I presume will be the case as soon as you shall receive the Records of the Council from the Secretary.

I am, Right Rev. Sir, your obedient servant for Christ's sake,

SAMUEL F. JARVIS.

To the Rt. Rev. Bishop Griswold.

Boston, Aug. 22, 1825.

GENTLEMEN,

I ENCLOSE to you a copy of a letter which I have this day sent to the Bishop together with a duplicate copy of the communications to which it refers. You will see from these that some misunderstanding exists respecting the conditions of separation awarded by the Council, which must necessarily delay the relinquishment of my title to the

Rectorship of St. Paul's Church. I scarcely need assure you that I very much regret the existence of any circumstance which can require a delay of this nature.

I am, Gentlemen, your obedient servant,

SAMUEL F. JARVIS.
Rector of St. Paul's Church, Boston.

To the Wardens and Vestry of St. Paul's Church.

Boston, 23d August 1825.

REV. SIR,

AT a meeting of the Vestry of St. Paul's Church, held last evening, to take measures, in obedience to the vote of the Proprietors, of the 10th June last, to complete the separation between the Rector, and the Wardens, Vestry and Proprietors of St. Paul's Church, in conformity to the decision and advice of the Bishop of the Diocese as made known to them by his communication of the 17th inst. the necessary points of which were transmitted to you by us on the 20th inst. the following votes were passed:—viz.

Voted, That the Treasurer be directed to prepare and execute a note or notes or obligation in favour of the Rev. Dr. Jarvis, for twenty five hundred dollars, payable in one year, and for twenty five hundred dollars payable in two years from 17th August 1825, conformably to the above decision.

Voted, That in fulfilment of the conditions of the decision beforementioned, the Wardens be directed to transmit the note or notes or obligation of the Treasurer as aforesaid to the Rev. Dr. Jarvis; and to accompany said notes or obligation with such communication as they may deem proper.

Voted, That the Wardens be authorized to receive from the Rev. Dr. Jarvis, such property of the Church or Parish as may be in his possession; and that the Senior Warden be authorized to receive the keys.

Voted, That whereas the Rev. Dr. Jarvis has given notice for Divine Service on Wednesday next, that the Wardens and Vestry consent that he may perform the service on that day.

Voted, That the Wardens be directed to make suitable arrangements for supplying the pulpit until further order.

In obedience to, and under authority of these votes, we have appointed Messrs. Z. G. Whitman and James C. Dunn, our agents to tender to you the note or obligation of the Treasurer, Elbridge Gerry, Esq.

The Wardens are ready to receive the property of the Church or Parish, from yourself, or any persons you may appoint. The Senior Warden is ready to receive the keys. We deem it proper to say, that both these acts ought to be done to day.

The Wardens will take measures to supply the pulpit on Sunday next. We are, Rev. Sir, respectfully your obedient servants.

FRANCIS WILBY, } *Wardens.*
JAMES C. MERRILL, }

To Rev. Dr. Jarvis.

Boston, August 23d, 1825.

REV. SIR,

THIS morning we received your communication, dated yesterday, stating your objections to the advice and determination of the Bishop and Presbyters, relating to a dissolution of all sacerdotal connection between you and the Wardens, Vestry and Proprietors of St.

Paul's. We shall lay that communication before the Vestry at their next meeting, which will be on Friday next, to which time the meeting of last evening stands adjourned. Respectfully your obedient servants,

FRANCIS WILBY,
JAMES C. MERILL, } *Wardens.*

Boston, Aug. 23, 1825.

GENTLEMEN,

I HAVE received your two letters of this date, and presume by their tenour, that the shorter was written last; to this alone I beg leave to reply as it relates to proceedings to take place on Friday next, in consequence of my communication under date of yesterday. This will, I presume, preclude our immediately acting upon the points adverted to in the other.

To prevent all mistakes, and in the hopes of softening excited feelings, I beg you to understand, gentlemen, that whether the decree of the Bishop be binding or not upon me in strict legal right, is a question which I do not mean to agitate. My only wish is to reconcile the advice of the Bishop with that of his Council; and my reasons for believing them to be at variance are, that the only two gentlemen of the Council with whom I have conversed, do certainly view some questions of importance as they regard my interest, very differently from the Bishop, while he confesses that he has written to me without being in possession of those documents which he desired to have.

I presume that you will be disposed to act upon the concurrent advice of the Bishop and Council, with the same readiness that will influence me. Our waiting a few days to ascertain it with precision cannot be injurious to either party. When it is known and understood, all final arrangements will be easy and simple.

Until our affairs are brought to a final settlement, the Wardens and Vestry will be pleased to accept my consent to their supplying my pulpit in such a manner as they may deem most to their satisfaction. If they wish me to officiate, I shall now expect to be notified, but I wish to have it understood that as long as I am Rector, I shall continue ready and willing to perform the duties of the Church.

I am Gentlemen, your obedient servant,

SAMUEL F. JARVIS,
Rector of St. Paul's Church.

To the Wardens of St. Paul's Church.

Boston, Aug. 25, 1825.

REV. AND DEAR SIR,

Having received a letter from the Bishop in which he states that he had not received the official report of the proceedings of the Council; and the result which he has thus informally communicated appearing to be at variance with the recollections of the Rev. Messrs. Eaton and Blake, I have to request that you will send me a copy of your letter to the Bishop, and also a copy of the Record of proceedings. Will you have the goodness to inform me whether these records are merely your own understanding of the proceedings, or whether they were read by you to the Council, and a vote taken approving of them? I shall be much obliged to you for an early answer, as there unhappily appears to be a variance of sentiment in some important particulars between the Bishop and the two clergy whom alone I have had an opportunity to consult. As the Bishop was not present on the last day of the Council, and may therefore have unavoidably fallen into a mis-

take in the absence of the Records, there seems to be a sufficient reason for delaying my resignation till the misunderstanding be removed.

I am Rev. and dear Sir, very truly yours,

SAMUEL F. JARVIS.

*To the Rev. Mr. Edson.**

Boston, Aug. 27th, 1825.

REV. SIR,

A QUORUM of the Vestry not being present yesterday, an adjourned meeting was held this morning, at which the following vote was passed: "The letters of the Rev. Dr. Jarvis of the 22nd and 23d inst. were laid before the Vestry, whereupon

Voted, That the Wardens inform the Rev. Dr. Jarvis, in answer to his communications of the 22d and 23d inst. that the Wardens and Vestry of St. Paul's Church consider the advice and decision of the Right Rev. Bishop as conclusive and binding on both parties; and the Wardens and Vestry have taken every step in their power to comply therewith; also, to inform the Rev. Dr. Jarvis, that they have taken measures to procure a gentleman to perform services in the Church for the future." I have the honour to communicate to you the above, and subscribe myself respectfully your obedient servant,

JAMES C. MERRILL,

Rev. Dr. Jarvis. *Junior Warden of St. Paul's Church.*

Boston, August 29th, 1825.

SIR,

I HAVE the honour to acknowledge the receipt of your note of August 27th, conveying to me a copy of the vote passed that day by the Vestry of St. Paul's Church. I greatly regret that my letters of the 22d and 23d, should not have been received by the Vestry in the same conciliatory spirit with which they were written. I therein distinctly expressed a disposition to submit to the recommendation of the Bishop and his Presbyters, according to the 32d Canon, as soon as it is ascertained what that recommendation is; and I also expressed my confidence that the Vestry would be equally disposed to submit on their part to the same recommendation. I cannot suppose therefore that the Bishop and his Presbyters will condemn my conduct in thus delaying the relinquishment of my title; and I do not lay aside my hopes that the Vestry will be disposed to reconsider the vote you have now communicated, and conduct our affairs to a final settlement, in a spirit of moderation at least, if not of harmony.

I am, Sir, your obedient servant,

SAMUEL F. JARVIS,

Rector of St. Paul's Church.

To James C. Merrill, Esq. Junior Warden of St. Paul's Church.

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* To this letter I received no written answer, but Mr. Edson being soon after in Boston called and answered it verbally. He informed me that he had not kept a copy of his letter to the Bishop, but that it contained a statement of what had passed after the Bishop left the Clergy; that he could not give me a copy of the Record, as the Bishop had told him that the Records should be condensed, and must be read to the Clergy at the Diocesan Convention in September, before they could be communicated to the parties; that the Records were not read, nor any vote taken upon them. After I found he declined communicating the Records, I asked him, if the Bishop's letter was an accurate statement of their vote.—He replied, that it was in substance. I then read the Bishop's letter, and asked, Did the Council vote, that on and after the 22d of August the pastoral connection should cease and be dissolved? Did the Council vote, that one half of the 5000 dollars should be paid in one year, and the other half in two years? He then answered both the questions decidedly in the negative; but added that he did not pretend to determine whether the Bishop was bound by their vote, or whether he might not so far alter the terms, as to say when payment should be made.

Extract of a letter from Dudley A. Tyng, Esq. dated Newburyport, 29th August, 1825.

My Dear Friend,

Before the receipt of yours of the 25th, Mr. Morss had told me that he knew nothing of the sum awarded being made payable by instalments, but concluded that such an arrangement might have been made by the Council which he left still in session. He remembers nothing said on the subject, and therefore had come away with the impression that the amount was to be paid or secured when the separation should take place. He seems not to remember at all whether it was exclusive of the salary since Easter, but he will write you by this mail.

Newburyport, Aug. 29th, 1825.

Rev. and Dear Sir,

I am very sorry, that it should be necessary to call for individual recollections, as to any part of the doings of the late Council, and more especially as to its final decision. The Records of the Secretary must be the only authentic document; and if these are lame, our doings must so far be nugatory.—I supposed, on leaving the Council, which I did at the adjournment on Saturday before dinner, that the remaining members would, on the evening of that day, take measures to have the Records completed and a fair copy of the whole proceedings sent to the Bishop for his approbation and signature; and I very much regret that this, in my opinion the only regular course, was not adopted.—My recollection however, is very distinct, that there was nothing decided, before I left the Council, as to the time or manner of adjusting the final award;—the Council merely agreed on the sum of $5000, without specifying any terms whatever, as to the mode in which it should be liquidated: this being left wholly to the parties themselves. This omission seems now to be somewhat material; but I hope for the honour of religion and the Church, that it will not be the means of frustrating the doings of the Council, or become a subject of further controversy between the Rector and the Proprietors of St. Paul's Church. I know not by what authority, the Bishop has fixed on two years for the payment; it must I think be his own act, and therefore not binding on the parties. My impression ever has been, that as soon as the result, after having received the Bishop's signature, was made known to the parties, they would take measures to carry it into immediate execution. I supposed there would be no delay, unless one or both were so dissatisfied, as to appeal to the civil authority, which I very much deprecated.—I am sorry that the Bishop has undertaken to vary the result in the least degree; and my recollection is quite clear and distinct, that the sum of $5000, was intended to cover all arrearages, damages and claims for salary past, and present: it being thought best to fix on a round sum, to save time and to prevent the perplexities and disputes that might arise from going into minute calculations. Each individual fixed on such a sum as he thought competent, and these several sums were added together and the aggregate divided by the number of the clergy present, which gave as the result about $4500; on which it was agreed unanimously that $5000, should be the final amount. When about to cast the ballot, the question was asked by some one, whether any particular provision should be made for the salary of the present year, on which it was, as I understood, unanimously agreed, that each individual should cast in such an amount as in his opinion would cover all damages and just demands: and then the number which should result from the process before mentioned

should be the full amount of all claims for damages and constitute the final award of Council.

Had there been sufficient time left us on Saturday, the Council would no doubt have specified the terms of payment and recommended some particular time for the dissolution of the pastoral relation; but this was impossible, unless we had adjourned to the next week. This would have been a great inconvenience, but great as it was, we should have done it, could we have anticipated any serious misunderstanding, which should impede the carrying into effect, the decision of the Council. I hope however that the Proprietors will not throw any obstacle in the way, to a final and speedy adjustment of the terms of separation; nor can I imagine that you can have any objections to such a course.

With sincere desires for your welfare and happiness, and future usefulness in the ministry, I remain, dear Sir, your's.

J. Morss.

Bristol, August 29th, 1825.

Rev. and Dear Sir,

Your letter of the 22d, would have been answered immediately, had it not been that I was incessantly engaged, the most of the time from home, with other more urgent duties. From it I learn your reasons for not complying with what I had stated to you as the advice of the Council, and that this non-compliance is not through your fault, but mine. I would not object to being the scape-goat in this very unhappy business, if it would restore peace to the Church: but as this is not likely to be the effect, it is necessary that I should say something in self-defence. That I am liable to err, I have long known from painful experience. In this business, however, my intention certainly has been, according to the wisdom given me, to act with uprightness and impartiality, through evil report, and good report, trusting the event with God. And after the most careful perusal of your letter I am still persuaded that I have done so. You are pleased indeed to represent my communication to you, as an arbitrary *decree*, not authorized by our Church: I represented, and still consider it as the *advice of the Council.* In communicating it, I used few words, because I had very little time, before the mail was closed: and precision of expression, to prevent any misunderstanding; and I am now the more convinced that I judged wisely.

You complain that the time mentioned for the separation was too soon. It was necessary that some day should be named. A number of weeks had then elapsed, since the Council had declared to the parties their advice that there should be a dissolution; and I certainly supposed, and had been informed, that all concerned were impatient of the long suspense, and I thought that they would wish the day named to be soon, the earlier the better. But I had something more than my own judgment for a guide. The Secretary had written to me the particulars of what was done after I left the Council; yet before declaring the result to the parties, I wrote to our brother Blake, requesting him to inform me of what he knew; and he very promptly and obligingly replied; and among other things stated it as his understanding of the intentions of the council "that *as soon as* the conditions are declared officially, and acquiesced in, and complied with, his (that is your) services will terminate; unless it be to deliver a farewell sermon at some time to be *agreed upon by the parties.*" I took the liberty to add that you might perform other official acts, which wrong it is hoped you will forgive me. Mr. Blake could not certainly

mean that either party, by refusing to comply, might take advantage of his, or their own fault to set aside the decision. If the Proprietors refuse to comply, you cannot suffer by the shortness of the time. Had I known or believed that you had a particular desire to continue a few weeks longer as Rector of the parish, from respect to you I might have been in favour of it; but I can see no benefit, which it could have been to you, except one which I will not suppose that you regard, the continuance of your salary a little longer. You speak of a time for the parties to interchange their assent to the terms. And why may not (as the decision is) any reasonable time following, be such a time? If you believe that your brethren of the Clergy are deficient in regard for you, or disposed in any unreasonable way, *to impute to you contumacy*, you mistake both their feelings and their character. What you say of a longer time that you may administer the communion, &c. *without asking leave*, would be a reason for postponing, not thirty days only, but a thousand.

It was very much my wish that nothing should be left for my decision. The time when the money should be paid, the Council either decided; or they left it for my decision. If they did decide it, my not being informed is an oversight which I much regret. But if (which I believe to be the fact) they left it for me to decide, that decision is given; and after mature deliberation I am confirmed in the belief, that it is the best which I could have given. I viewed the $5000, as intended to be two year's salary, which, according to what is most customary, would become due, as I stated. As it is, I fear we shall, by many be thought forgetful of the Saviour's advice, *not to put new wine into old bottles*. Indeed I was somewhat surprised that you who so well know the circumstances of that parish; the very generous and noble exertions which the Proprietors have made to build an Episcopal Church, that does honour to the name; the pecuniary sacrifices which they have made to support the gospel ministrations, and the heavy burthen, which, if they continue it an Episcopal Church, must rest upon them, should wish them to be obliged immediately to pay so large a sum. I cannot think it prudent, nor consistent with Christian charity, to drive such a people to desperation. And I have certainly done too in this as I would be dealt with. If in such circumstances I were to take any thing (which I should not except it were freely offered) I should desire them to have a reasonable time for payment. We ought also to regard the honour of the Clerical Order. An impression I find is already gone extensively abroad, that these great troubles have arisen chiefly from what an apostle calls "the root of all evil;" it is desirable that nothing may be added to strengthen the impression.

You write, and before the Council you repeatedly spake, of the 32nd Canon as being severely *penal*. I cannot view it in the same light; it merely expresses what our well known discipline requires. Had no penalty been annexed to the Canon, still your not complying with the advice, or direction, or if you please the *decree* of "your Bishop and other chief ministers, who, according to the Canons of the Church have the charge and government over you, following with a glad mind and will, their godly admonitions, and submitting yourself to their godly judgments," you would violate your ordination vow, and become liable to be suspended from the exercise of the ministry. Let us take heed too, lest it may be said that we who talk so much of Church government, and apostolic order, are in practice, the last to submit to it.

I am not expecting the Records of the Council from the Secretary. For a time I misunderstood him respecting a communication from

Brothers Blake and Boyle, which caused some delay. A part of those Records, except I again mistake, are in your hands.

Most sincerely your friend and brother,

ALEXANDER V. GRISWOLD.

Rev. Dr. Jarvis.

Greenfield, Aug. 31, 1825.

REV. AND DEAR SIR,

I RECEIVED your letter of the 25th inst. yesterday, on my return from Northampton; and it was with no little surprise that I read the copy, which it contains, of the Bishop's communication to you. I had, indeed, previously seen, in one of the Boston newspapers, a similar statement; but as it was so far from an agreement with the decision of the Council, I considered it, at once, as the mistaken notice of some officious person who knew nothing of the business.

I distinctly recollect, that, near the close of the session of the Council, and after the sum had been determined, some member inquired, *when the pastoral relation of Dr. Jarvis to St. Paul's Church should cease;* and it was replied, (I think by me,) "of course, when the conditions of separation are complied with." And although there was no formal vote upon the subject, I am confident that such, at the time, was the intention of every member of the Council. I have no recollection that any gentleman even suggested the necessity or propriety of granting any time for the payment of the amount agreed upon, after the decision should be sanctioned and communicated by the Bishop. I did, however, understand that the $5,000 was to be in full discharge of every claim which you might have upon the parish up to the time, and not as Mr. Eaton supposes, that it was to be exclusive of arrears of salary.

In regard to your relinquishment of the Rectorship, you are the best judge of the expediency of it under existing circumstances. I do not see how there can be any *contumacy* in a delay which shall not in any respect be contrary to the *actual result* of the Council.

I was extremely sorry that the business of the Council was closed in so much haste. Two gentlemen had been appointed to make a formal report of the decision, which it was expected would be so expressed as to embrace every point, and to preclude all possibility of future difficulty and misunderstanding. I thought it improper for the Council to adjourn until this Report, *in full*, was submitted to their examination, and when we separated, leaving the business at *rather loose ends*, both as it respected the Report and the directions to the Secretary, I was apprehensive that some mistake or misapprehension might occur I presume, nevertheless, that all the gentlemen, considered the business as entirely settled so far as they were concerned, and that such communications would be immediately made to the Bishop as would bring the whole matter to a speedy and harmonious issue.

No communication has been made to me from the Vestry of St. Paul's. I am ready to answer any interrogatories which they may think proper to put, and should any thing of the kind take place, will send you a copy. In the mean time, I have the honour to be, most respectfully your friend and brother in the Lord,

T. STRONG.

Rev. Dr. Jarvis.

Boston, Saturday, Sept. 3, 1825.

REV. AND DEAR SIR,

I AM very desirous to see you, and if you find it convenient to come into town on Monday, will beg the favour of you to let me

see you early, as I have several communications to submit to you. If you are not able to come, I shall be glad to receive an answer to the following queries:—

1. Was there any act of the Council deciding and advising that on and after the 22d of August 1825, the pastoral and sacerdotal relation between me and the Wardens, Vestry and Proprietors of St. Paul's Church, cease and be dissolved; and does the Canon in your opinion give authority to do more than recommend a relinquishment of his title to the Rectorship, on certain conditions to be complied with on the other side, of which compliance he is to be assured before his resignation?

2. Was there any act of the Council postponing the payment of the $5,000 awarded by them, so that one half should be paid within one year, and one half within two years from August 17, 1825. If there was not, is it in your opinion consistent with the Canon that the Bishop should make such conditions of payment, without the advice and consent of his Presbyters?

3. Was it the intention of the Council to award the $5,000 for losses sustained before Easter 1825, and the probable losses to be sustained by a relinquishment of the living, exclusive of salary from the last settlement at Easter 1825, up to the time of separation: Or was it their intention that the $5,000 awarded, should include the salary due since Easter last?

It may be proper to mention that Mr. Eaton considers the salary up to the time of separation as not included in the $5,000. Mr. Blake and Mr. Baury understood that the quarter salary due the first of July last had been paid. Mr. Morss and Mr Strong* have not said whether they understood that any part of this year's salary had been paid, but think that $5,000 were intended to cover all demands upon the Wardens, Vestry and Proprietors. Your answer to these inquiries will much oblige, Rev. and Dear Sir, your friend and brother,

SAMUEL F. JARVIS.

Rev. Isaac Boyle.

Boston, Sept. 5, 1825.

RIGHT REV. SIR,

I HAVE received your letter of the 29th ult. and cannot refrain from expressing the severe pain which I have felt from your unfavourable construction of my conduct. It is not my wish to protract this unhappy controversy one moment longer than may be necessary to execute the conditions as agreed upon by the Bishop and his Presbyters, and I conceive that no delay on my part could have caused an augmentation of salary as you appear to intimate, since that with other questions must have been decided by the Council. That your decision is at variance with the opinion of two of its members I have already shown; and I now take the liberty of subjoining the following extracts from the letters of two other members of it; premising that I have by me written statements from a majority of the body to establish the fact, that they disagree with your report of their decision.

"I received your letter of the 25th inst. yesterday; and it was with no little surprise that I read the copy, which it contains, of the Bishop's communication to you. I had, indeed, previously seen, in one of the Boston newspapers, a similar statement; but as it was so far from an agreement with the decision of the Council, I considered it, at once, as

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* Mr. Strong afterwards stated to Mr. Baury, as I am informed, that he understood the quarter salary due July 1st, had been paid.

the mistaken notice of some officious person who knew nothing of the business."

"I know not by what authority the Bishop has fixed on two years for the payment;—it must, I think, be his own act, and therefore not binding on the parties."

By a careful perusal of these paragraphs, you will easily perceive in what respect their sentiments differ from yours. I only ask for a confirmation of the vote of that Reverend Body. I am ready and desirous to follow their advice; and as anxious to put a period to this unhappy controversy as any of the parties who have the misfortune to be implicated in it.

I have the honour to be, Right Rev. Sir, your obedient servant,

SAMUEL F. JARVIS.

The Right Rev. Alexander Viets Griswold, D. D.
Bishop of the Eastern Diocese.

Dedham, Sept. 5, 1825.

REV. AND DEAR SIR,

I RECEIVED your communication on Saturday evening, and as I shall not be able conveniently to be in Boston before Thursday next, proceed to notice your queries.

With respect to the first, I am not aware that the Council did more than to declare the existence of the conditions on which the 32d Canon requires the Bishop and his Presbyters to recommend a relinquishment of the Rectorship, on such terms as may appear reasonable and proper to them, leaving the recommendation to be issued afterwards as a matter of course. The recommendation being conditional, it would seem to follow that the terms must be complied with before it can have any force.

With respect to the second query, I did not understand that the Council decided any thing respecting the period or periods at which the $5,000 should be paid. I should suppose from the words of the Canon, that the Bishop and his Presbyters must *unite* in fixing the time of payment as well as the sum to be given.

With regard to the third question, I do not know whether or not it was the intention of the Council collectively to include the salary due from Easter last, to the time of separation, in their award of $5,000. The mode adopted of determining the amount, precluded the discussion of particulars. I was myself acquainted with the fact that a quarter's salary was due, and in my own vote had respect to it. If other members voted a less sum than they would have done had they not thought that the arrearages were paid, it appears equitable that the errour should be rectified.

When I see you on Thursday morning, I may be able to satisfy you more fully on the subject of your letter, and in the mean time remain, Rev. and Dear Sir, your friend and brother,

ISAAC BOYLE.

Rev. Dr. Jarvis.

Newton, Mass. Sept. 5, 1825.

REV. AND DEAR SIR,

As you have requested me to give you in writing, my understanding of the terms on which the sum awarded by the Convocation, was to be paid you by the Proprietors of St. Paul's Church; and also the time when the connection of the Rector with said Church should be dissolved; I would observe, that nothing was said in the Convocation to my knowledge upon either of these points. It was however my

impression, that you had received your salary as usual to about the time the Convocation was assembled; that the sum of $5,000 was to be paid you in a reasonable time; and that upon the Rector and Proprietors assenting to the recommendation of the Bishop and his Presbyters, the existing connection would be considered as at an end.

I am, Rev. and Dear Sir, with considerations of high respect, your friend and brother, ALFRED L. BAURY.

Rev. Dr. Jarvis.

Hanover, Sept. 8th, 1825.

REV. AND DEAR SIR,

YOUR letter of the 29th of August was duly received, and I should have wrote you sooner, had I not been prevented by a severe indisposition, occasioned by a fall from a horse. As it respects the subject of your letter, I can only say, that I believe the Council of Presbyters, after a patient, and *thorough* investigation of your claims to remuneration, which were faithfully urged by Mr. Huntington, (among which was your right to salary from Easter,) were unanimous in the determination of their advice to the Bishop; which *was*, that upon the relinquishment of your Rectorship, you should receive the round sum of $5,000, as a compensation for each and all of your claims, upon the Proprietors, Wardens and Vestry of St. Paul's. This advice has been laid before the Bishop, and in making up the decision, I presume he has given it all that weight and importance, which he conscientiously thought it was entitled. The duty of the *Presbyters* is simply to *advise* the Bishop—not to *dictate*. They have given him their advice; and thus *their* duty, as it regards the case in question is at an *end*. There appears to me no ground for misapprehension or misunderstanding. I deeply lament that the Bishop was called away before the investigation closed, as it would have prevented all this delay; but I hope it will soon be settled satisfactory to all parties. I have not heard, or seen any thing from the Wardens and Vestry, nor from any one concerned, until I received your letter.

Yours respectfully, CALVIN WOLCOTT.

The Rev. Dr. Jarvis.

Bristol, Sept. 9th, 1825.

REV. AND DEAR SIR,

YOUR favour of the 5th is now before me, in which you complain of my unfavourable construction of your conduct. I certainly intended no such thing. I understood you in that letter as ascribing it to my fault that you did not comply with the advice of the Council; as blaming me indeed for several things. I endeavoured to defend my own conduct without censuring yours. In regard to the main question between us, I can now do little more than repeat what I have already written. You tell me that you ask only for a confirmation of the *vote* of the Council; but I know not of any "vote of that Reverend body" which remains to be *confirmed*. If there be such a vote, why do you not pursue a regular course; procure a certified copy from the Secretary? No one would be more ready than myself to give it all due attention. You tell me that a majority of the Council disagree with me respecting the report of their decision. It may be so; I should exceedingly regret to differ in judgment from Brethren, whom, without exception, I highly respect. It seems, however, a strange proceeding, that they should make such declarations to you, who are one of the parties, and yet intimate nothing of it to me! It is more than possible that in giving their judgment singly, no two of the Council would have

agreed as to the sum to be paid, or the time of payment. Some might have put the time later than I did; and some earlier. The question between us is, whether or not they left the time of payment to my decision. If they did, and all that you have written goes to confirm my full belief that they did so leave it; then it was for me to decide according to the wisdom given me; and not according to their opinions or wishes, of which I was necessarily ignorant. When, (for illustration,) our Convention submit it to their President to nominate their Committees, though his nomination be such as a majority disapprove, still the appointment is true and regular. If in this present case, it shall appear to a majority of our brethren, that my decision is not wisely made; that I have departed from christian charity, and have not done what would be most to the honour of God, and good of the Church; then of course, hereafter they will have less confidence in my judgment, and will not again leave such a point to my decision. I know that I am very liable to err; but still it is my duty to act. 'Tis painful to lose friends; to suffer in reputation, and to be blamed for my conduct, especially by my clerical brethren, who, ever since my appointment to the Episcopate, have seemed to me as my children; but this pain must sometimes be endured. It is natural for me to regret, and I do regret, that any thing was left to my decision; but it may be that the hand of God was in it; that he called me from the Council to save that Church; because he will not forsake a people who have done so much for his honour, as the Proprietors of St. Paul's have done. I verily believe that you have not had among the Clergy a more sincere friend than myself; one who in any private concern, would have gone further, or sacrificed more to do you a favour. But where religion, and the honour of our Divine Master are concerned, my endeavour, and I hope in some degree, my practice has been to make friendship and interest, and reputation but of secondary consideration. If in this business I have done wrong may God forgive me. If it be his will that I suffer for righteousness' sake, his will be done. You seem displeased at my *intimating* that in this business you are influenced by pecuniary considerations. I meant no more than to suggest that your conduct would have that appearance; that your character might suffer, and that our Church of course would deeply suffer with it. And we ought, you know, to avoid the *appearance* of evil. There are none of our faults of which we of the Clergy are more suspected, and none for which we are more despised than for "the love of money." It is so grossly irreconcilable with what we profess, and with what we preach to the people, of our willingness to spend and be spent; of our seeking not theirs but them, that if they discover, or think that they discover it in our conduct, we become the objects of their indignation or contempt. You ought not to be offended at my freedom in telling you that so far as I have knowledge of what the fact is, the course you are pursuing is not generally approved; and that you are in danger of losing what is of more value than 5,000 or 50,000 dollars. The eyes of many, and some I fear not friendly, are upon us. We are now showing, in a wide circle, what regard our Clergy have for "filthy lucre;" and what is that discipline of which we so much boast.

I remain, very sincerely, your friend,

ALEXANDER V. GRISWOLD.

Boston, Sept. 14, 1825.

DEAR SIR,

I TAKE the liberty of again addressing you respecting the unhappy state of affairs in St. Paul's Church.*

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* The preceding letter from the Bishop was not received till the 14th; after I had written this.

The communications I have received from a majority of the Presbyters who were assembled by the Bishop in Convocation evidently show that their proceedings were not definitive, and that their private recollections and opinions differ widely from the Bishop's determination.

One member states it as his impression "that the sum of $5,000 was to be paid in a reasonable time," and upon being asked what he considered a reasonable time, he named thirty days. Another states that "the recommendation to relinquish the Rectorship, being conditional, it would seem to follow that the terms must be complied with before it can have any force; that the Council according to his understanding, decided nothing respecting the period or periods at which the $5,000 should be paid; but that from the words of the Canon, the Bishop and his Presbyters must *unite* in fixing the time of payment as well as the sum to be given." Upon being asked whether the award of $5,000 without any specification of time, did not, in common usage, imply prompt payment, he replied that he so understood it. A third speaks in still more decided terms: "The Records of the Secretary must be the only authentic document; and if these are lame, our doings must so far be nugatory.—I supposed, on leaving the Council, which I did at the adjournment on Saturday before dinner, that the remaining members would, on the evening of that day, take measures to have the Records completed and a fair copy of the whole proceedings sent to the Bishop for his approbation and signature; and I very much regret that this, in my opinion the only regular course, was not adopted.—My recollection however, is very distinct, that there was nothing decided, before I left the Council, as to the time or manner of adjusting the final award;—the Council merely agreed on the sum of $5000, without specifying any terms whatever, as to the mode in which it should be liquidated: this being left wholly to the parties themselves. This omission seems now to be somewhat material; but I hope for the honour of religion and the Church, that it will not be the means of frustrating the doings of the Council, or become a subject of further controversy between the Rector and the Proprietors of St. Paul's Church. I know not by what authority, the Bishop has fixed on two years for the payment; it must I think be his own act, and therefore not binding on the parties. My impression ever has been, that as soon as the result, after having received the Bishop's signature, was made known to the parties, they would take measures to carry it into immediate execution. I supposed there would be no delay, unless one or both were so dissatisfied, as to appeal to the civil authority, which I very much deprecated.—I am sorry that the Bishop has undertaken to vary the result in the least degree." "I distinctly recollect," says a fourth, "that, near the close of the session of the Council, and after the sum had been determined, some member inquired, *when the pastoral relation of Dr. Jarvis to St. Paul's Church should cease;* and it was replied, (I think by me,) 'of course, when the conditions of separation are complied with.' And although there was no formal vote upon the subject, I am confident that such, at the time, was the intention of every member of the Council. I have no recollection that any gentleman even suggested the necessity or propriety of granting any time for the payment of the amount agreed upon, after the decision should be sanctioned and communicated by the Bishop." "In regard to your relinquishment of the Rectorship, you are the best judge of the expediency of it under existing circumstances. I do not see how there can be any *contumacy* in a delay which shall not in any respect be contrary to the *actual result* of the Council." "I was extremely sorry that the business of the Council was closed in so much haste. Two gentlemen had been appointed to make a formal report of the de-

cision, which it was expected would be so expressed as to embrace every point, and to preclude all possibility of future difficulty and misunderstanding. I thought it improper for the Council to adjourn until this Report, *in full*, was submitted to their examination, and when we separated, leaving the business at *rather loose ends*, both as it respected the Report and the directions to the Secretary, I was apprehensive that some mistake or misapprehension might occur. I presume, nevertheless, that all the gentlemen considered the business as entirely settled so far as they were concerned, and that such communications would be immediately made to the Bishop as would bring the whole matter to a speedy and harmonious issue."

These communications in addition to the two you have already seen, exhibit the opinions of a majority of the Presbyters. The question then is, what is the result of the Convocation? Is it possible for me to act till the business, confessedly "left at loose ends," shall be definitively settled, and the Bishop and Presbyters shall have drawn up and subscribed "a formal Report of the decision." If this had been done, even if the terms had been as hard as I think those prescribed by the Bishop to be, I should have submitted to them at once, without a murmur. And even now, so desirous am I to put an end to this unhappy dissension,—so solicitous to allay the irritated feelings of the Proprietors,—so anxious to avoid any appearance of being influenced by worldly or unhallowed motives, that I venture again to implore my friends and the friends of the Church to interpose their mediation.

A letter recently received from the Bishop, explains, I think, more fully his views with regard to the alteration of the time of payment. An extract from that letter I herewith submit; and if it shall appear to you and Mr. Richards that it affords any opening for an accommodation with the Proprietors, I desire you will make use of it. Mr. Huntington who was before associated with you not being in town, I beg leave to mention in his stead the Rev. Mr. Eaton. I am perfectly ready to place my cause in your hands, and I hereby give you full powers to act in my name, provided you can bring this unhappy dissension to such an issue as will not oblige me to remain for two years engaged in money transactions with the Wardens, Vestry and Proprietors. Have the goodness then, Dear Sir, to confer with Mr. Richards and Mr. Eaton, and if any thing which will make for peace can be done, it will confer a new favour upon your greatly obliged friend and servant,

SAMUEL F. JARVIS.

George Brinley, Esq.

Extract from the Bishop's letter of Aug. 29th. *See p.* 88.

"Had I known or believed that you had a particular desire to continue a few weeks longer as Rector of the parish, from respect to you I might have been in favour of it; but I can see no benefit, which it could have been to you, except one which I will not suppose that you regard, the continuance of your salary a little longer. I viewed the $5000, as intended to be two year's salary, which, according to what is most customary, would become due, as I stated."

Boston, Sept. 14, 1825.

REV. AND DEAR SIR,

IN a letter which I have just received from the Bishop, he speaks of my procuring a certified copy of the vote of the Council from the Secretary, as the regular course, and seems to be surprised that I have not done it. This will, I hope, remove your scruple upon the subject and induce you to oblige me by an early answer. I shall be much

gratified if you will permit me to see the whole of the Records, which I hope I need not add, shall be kept with the greatest care and returned whenever you desire it. I am very anxious to bring this unhappy subject to its final issue; and "the Records of the Secretary" to use the language of one of the Clergy who has favoured me with his statement, "must be the only authentic document."

Believe me to be, with great regard, your friend and brother,

SAMUEL F. JARVIS.

The Rev. Theodore Edson.

Boston, Sept. 14, 1825.

RIGHT REV. SIR,

YOUR favour of the 9th inst. which I have just received, has afforded me much consolation, because its tenor induces me to hope that the painful subject of our present correspondence may soon be terminated. I some time ago applied to Mr. Edson for a copy of the record of proceedings; but finding him reluctant to give it, under the existing state of things, without your consent, I forbore, from motives of delicacy, to urge the request. My own opinion, however, on this subject, was corroborated by the remark of one of the Clergy, that "the Records of the Secretary must be the only authentic document."—I have gladly availed myself, therefore, of the permission implied in the terms of your last letter, and have accordingly written to the Secretary. When I receive his answer, I shall be able to speak with more precision upon the principal subject of your communication. I will confine myself at present to a few remarks upon the supposed injury to my character and to the Church, from the course I have taken.

That my Bishop should be sensitive on this subject may well arise from his paternal character, and as such it demands my grateful acknowledgments. Every man who pursues a firm and undeviating course of conduct will have enemies, and I cannot expect to be exempt from a contingent which has ever been levied upon the best and greatest, as well as upon the more faulty and insignificant of mankind. My adversaries are I know very active in calumniating my motives, and while the publick are ignorant, I must bear with patient suffering the effects of their influence. But when the pecuniary sacrifices which I have made, and the facts which have been laid before the Bishop and his Presbyters shall be publickly known, I have no fear that those for whose good opinion I am most solicitous, will attribute to me an overweening fondness for money. In the mean time, my friends at least will exercise the judgment of that charity which thinketh no evil, by attributing my conduct to the best, rather than the worst motives by which it may be solved. They will consider the delay of my resignation as proceeding from a desire to avoid the very evils which my Bishop so justly deprecates. They will perceive that the protraction of payment for two years, and the obvious advantage given to my adversaries by dissolving my sacerdotal relation to them before they have given the least security for complying with the conditions on their part, will be likely to involve the whole subject in almost inextricable confusion.

Be assured, Right Rev. Sir, that I have no disposition to oppose you in the Canonical exercise of your authority. I believe you will do me the justice to acknowledge that not one of your Presbyters has been more desirous to uphold that authority in reverent estimation; for I consider that and our Liturgy as the very bulwarks of our Church. I will not suppose for a moment that you desire to stretch that authority so as to invade the rights of your Presbyters. On the contrary I cannot but believe that when you have fully examined all the reasons which I

have to offer, you will recede from a position which will oblige me to remain for two years engaged in money transactions with the Wardens, Vestry and Proprietors of St. Paul's Church, and must keep alive in their breasts that irritation, which, for the honour of religion and the good of the Church, it is expedient as quickly as possible to allay.

To show you how solicitous I have been to avoid giving you or my Brethren any further trouble, I take the liberty to state, that previous to the reception of your last letter I had empowered my friends Mr. Brinley, Mr. Richards and Mr. Eaton to mediate between me and the Proprietors. For this purpose I had given them an extract from your letter of August 29th which appears to explain your intention as to the time of payment to be as follows: That the regular payment of my salary should continue till the 22d of August; and that from the date of your letter, prescribing the terms of separation, two years' salary should be paid according to the usual custom of payment, which in Boston is quarterly. I have limited my friends to no terms, excepting that whatever is paid shall be paid at the time of separation, either in cash or by equivalent negotiable notes. It will gratify me to know that this course meets with your approbation; and in the hope that you will see in it a pledge of my willingness to sacrifice private considerations, to the peace and welfare of the Church,

I remain most respectfully and truly, Right Rev. Sir, your obedient servant,

SAMUEL F. JARVIS.

E. Chelmsford, Sept. 18, 1825.

REV. AND DEAR SIR,

I VERY much regret being obliged to delay a compliance with your request, that I would send you the Records, of the Council. The Records though prepared, I do not feel quite at liberty to furnish to either of the parties without some directions either from the Bishop or from the Council. I will write to the Bishop immediately on the subject, and shall be ready to put them into your hands the moment I am authorized to put them out of my own.

I remain, Dear Sir, Your friend and Brother,

T. EDSON.

The Rev. S. F. Jarvis, D. D.

Boston, Sept. 20, 1825.

DEAR SIR,

I MUST have expressed myself without sufficient clearness to induce you to suppose that I made a request not sanctioned by the Bishop.—To prevent any further misapprehension, I give you his own words.—I had said to him in my letter of the 5th of September, that I asked only for a confirmation of the vote of the Presbyters. In reply to this, he says, "Why do you not pursue the *regular* course—procure a certified copy from the Secretary?" Can any thing be more explicit than this? I hope my dear Sir, that you will not delay to send me such a certified copy, till you hear from the Bishop.—I am very anxious to have this unhappy business brought to a close; and I cannot believe that you will throw any obstacle in its way.—I wish I could have a personal interview with you. I certainly am not disposed to ask any thing which I have not a right to ask; but it seems to me altogether unprecedented that I should not be permitted to have access to the Records of the Convocation. Hoping for an answer by return of mail,

I remain, Dear Sir, very truly your friend and brother,

SAMUEL F. JARVIS.

Rev. Mr. Edson.

Bristol, Sept. 19th, 1825.

Rev. and Dear Sir,

Being exceedingly crowded with business, and preparing for a long journey, I can write but little of what I wish to write in answer to yours of the 14th. In regard to the Records of the proceedings of the Council I suppose they have none which they intend to make public, but what have already been communicated to you by myself. There was but little necessary to be recorded, and that little, as well known to the parties, as to the Council. What the Secretary has written I know not; and before he gives a copy of it to any one, it ought to be examined and approved by the Council, which I suppose has not yet been done. The intention which you intimate of coming before the public with a defence of your conduct, is, in my judgment, imprudent. It will be likely to occasion an angry and pernicious controversy. I pretend not to predict how far you may succeed in justifying yourself, or exposing the faults of others; but you will be sure to succeed in injuring the Church.

The fact you mention that your connection with the Parish was dissolved "before they had given the least security for complying with the conditions on their part" places the subject in a new light. It was expected that they would, on or before the day of the dissolution, on their part give or offer you good security. Their neglect, however, to do this cannot, as I conceive, subject you to any, even the least inconvenience. If they are unwilling to perform their part, no advantage can be taken of it to injure you.

With regard to my disposition to stretch, or not the Episcopal authority to others' injury, I will only remark, that from childhood there have been few things that I have more detested, than abuse of power; and that, in the present case, I see no authority that I have, but to declare the advice of the Council, and to proceed in the straight course which the Church has directed; and this indeed is not power, but duty. If I deviate from it, 'tis hoped that my brethren who are wiser will set me right. And if any thing wrong has been done through my fault or ignorance, I see no reason why it may not (among christians) be rectified without injury to any one.

I very much approve of your commissioning your friends to propose, and if practicable to effect a compromise or agreement with the Proprietors. Should it happily succeed, it would indeed release me, and I believe many of our brethren, from much anxiety and trouble. I trust you will find me unyielding in nothing but truth; and that in every thing which other duties will admit,

I am your sincere friend,

Alexander V. Griswold.

East Chelmsford, Sept. 23, 1825.

Rev. and Dear Sir,

Yours of the 20th inst. arrived yesterday and in reply I assure you, that it is the farthest possible, from my thoughts, to throw any obstacle in the way of closing the unhappy business. I cannot believe there will be any objection to your having a copy of the Records as soon as I can be authorized to give a copy. I wrote to the Bishop, on the reception of your former letter. His answer may be now on the way, and I feel that my responsibility to the Council as Secretary, requires me to wait for his sanction, when it can be so quickly obtained. Next week you know is the Diocesan Convention when I intend being in Boston, and hope to have the pleasure of an interview with you.

I remain, dear Sir, very respectfully your friend and brother.

T. Edson.

The Rev. S. F. Jarvis, D. D.

Boston, Sept. 23, 1825.

REV. AND DEAR SIR,

I DULY received your favour of the 13th inst. informing me of your having associated with me, the Rev. Asa Eaton and John Richards, Esq. to act for, and in your behalf, to endeavour to effect an accommodation, and settlement of your affairs with the Proprietors of St Paul's Church, if we *should think such* a measure would "afford any opening for an accommodation." We have deliberated upon the subject and decline acting, being under the impression that our efforts would be unavailing.

Mr. Richards' having been absent some time on a journey, is the cause of the delay in replying to your favour at an earlier date. With the sincerest hope that your unhappy difficulties with St. Paul's Church may soon be settled, and to mutual satisfaction,

I am dear Sir, very sincerely your friend and obedient Servant,

(per order) GEORGE BRINLEY.

Rev. Dr. Jarvis.

Boston, Sept. 23, 1825.

DEAR SIR,

I ADDRESSED a letter to Mr. Brinley on the 13th inst. requesting him to confer with yourself, and the Rev. Mr. Eaton, and if possible to interpose your mediation in order to terminate the unhappy difficulties now existing between me and the Proprietors of St. Paul's Church. By a letter this day received from him I regret to learn, that you consider any further efforts, by a personal interview with the Wardens and Vestry, as unavailing. It has occurred to me, however, that there may be one mode yet remaining, by which so desirable an event may be accomplished; and that is by an interview with the Bishop. Will you then permit me to make one more earnest request, that you and Mr. Brinley will call upon Dr. Griswold as soon as he shall arrive in town? Perhaps your representations may induce him to adopt such measures as will at once remove every difficulty. On a subject of so much importance to the peace of the Church, you will I am sure excuse me, if I appear somewhat importunate.

Believe me to be, Dear Sir, most respectfully and truly, your obliged friend and servant,

SAMUEL F. JARVIS.

To John Richards, Esq.

On the 26th of September, the Bishop called upon me a little after 10 A. M. and mentioned that he had appointed that evening to meet Mr. Richards and Mr. Brinley at the house of the latter. In the course of conversation I observed to him, that unless matters could be so arranged that I might resign before Wednesday, I should be placed in an awkward and unhappy situation; that I did not wish to do any thing offensive to him, or to the Proprietors; but I did not see how I could avoid appearing on that day as Rector. I therefore asked his advice. He said he had called a meeting of the Clergy on Tuesday evening, before which he could give no opinion. I said, that will be so late that no time will remain to make the requisite arrangements for my resignation, and therefore that I should still be obliged to appear as Rector. He replied, "It is not settled, at least I must consider it so, that you are still the Rector of St. Paul's Church." I said, do you

so consider the 32d Canon, as that no act of mine is thereby rendered necessary to divest me of the Rectorship? He waived the inquiry by saying that he did not decide any thing, but should propose the question for the consideration of the Clergy. I said, I am very anxious to have the subject adjusted before Wednesday, and for that purpose think no time should be lost. I therefore proposed, if consistent with the Bishop's engagements, that he should meet Mr. R. and Mr. B., as early as possible. To this he assented and said he would call on Mr. Brinley at his store. It was found impracticable, however, to have the meeting earlier than was at first proposed. The result will appear from the following letter:

Boston, Sept. 27, 1825.

Rev. and Dear Sir,

In compliance with your request of the 23d, we have had a conference with Bishop Griswold.

We had hoped to have found some middle ground for the parties to meet upon, whereby the advice and decision given, might become that of the Bishop and his Presbyters; which, by letters from a majority of them, now in your hands, it does not appear to be. And we had thought that, considering he was absent from the Council when the decision was agreed to; that he had not received the Records when he wrote his letter of the 17th; that the majority of the Council considered the payment by one party, and resignation by the other, to be simultaneous acts: and that the time for closing your salary had been entirely overlooked: that these might be sufficient reasons for him to have met those Presbyters who are now in town, and to have come to some decision upon which there might be no difference of sentiment. But we have not succeeded as we expected. He states that he was in possession of the Records when he wrote his letter of the 17th; (the Documents therein alluded to being other papers;) and that he wished to have the Records condensed as much as possible, that the time when the $5000 was to be paid, was left to his decision; that he was surprised any members of the Council should have written to you, without writing also to him: that by a letter he had received from Mr. Blake, he was authorised to make the separation immediate; even sooner than he had done. But however, he was willing to submit the question, with the concurrence of the other party, "whether the decision as it now stands, should be binding, and whether the dues for salary were all included in it." Or if you were desirous, he had no objection to a new hearing and another Council.

We remain respectfully, dear Sir, your obedient humble servants,

John Richards.
George Brinley.

Boston, Sept. 28th, 1825.

Rev. and Dear Sir,

I write this briefly to inform you that I have ascertained to my full satisfaction, the truth respecting two points which by some were questioned; viz: That the sum of $5000, named by the late Council of investigation was intended to include your whole pecuniary claims on the Proprietors of St. Paul's Church; and that the mode of payment recommended in my communication is not at variance with their intentions.

Very sincerely your friend,

Alexander V. Griswold.

Dr. Jarvis.

Boston, September 28th, 1825.

RIGHT REVEREND SIR,

I HAVE received your communication dated this day, from which I infer, that the Presbyters of Massachusetts, having again assembled, have declared your promulgation of their decision to be correct. Seven out of the ten had declared to me in writing that their understanding of the terms of separation at the time in which they awarded them, was materially different from the terms as stated by you. Whether they yield to you, or you to them, is to me a matter of no moment. The *united* advice of the Bishop and Presbyters, will always be listened to by me with dutiful submission; and during the course of our correspondence, I have repeatedly and explicitly avowed such to be my intention. I have accordingly put into the hands of my friends George Brinley and John Richards, Esquires, the instrument of my resignation, to be delivered to the Wardens, Vestry and Proprietors, upon their complying with the terms on their part.

I have but one favour to ask; which is, that you will appoint, as in the case of Dr. Ogden, certain impartial or indifferent persons to audit and adjust all accounts of property, between me and St. Paul's Church.

I am, Right Reverend Sir, very respectfully, your obedient servant,

SAMUEL F. JARVIS.

The Right Reverend Bishop Griswold.

Boston, Sept. 26th, [29th,] 1825.

REV. AND DEAR SIR,

I AM so incessantly engaged to day that I can scarcely find time to answer your favour of yesterday. What you mention of my appointing persons to audit the accounts is new to me. What was done in the case of Dr. Ogden I am wholly ignorant. Any thing in my power to serve you, or to make peace I shall wish to do. On the other hand I have been so much and so cruelly censured for what I have done in this unhappy business, my intention is to take no one step beyond what appears to be my duty. I should not presume officially to make any appointment of auditors. Nor do I know who are most impartial respecting the business. So far as I am acquainted, Messrs. Gardiner Greene, Thomas L. Winthrop and Thomas Clarke are of that description. If they will give you any aid it will give me pleasure; but I beg that my mentioning their names may not be misconstrued, as intermeddling with what is not my business.

Most sincerely, your friend and humble servant,

ALEXANDER V. GRISWOLD.

Rev. Dr. Jarvis.

According to the declaration in my last letter to the Bishop, on the 28th of September I placed in the hands of Mr. Brinley and Mr. Richards, the following letter, to the Wardens and Vestrymen of St. Paul's Church.

Boston, September 28, 1825.

GENTLEMEN,

IN conformity with the declaration conveyed to you in my letter of August 23d, that I should be ready to act upon the concurrent advice of the Bishop and his Presbyters, whenever it should be ascertained with precision, I have now the honour to inform you, that I have this day received a letter from the Bishop, after a conference with the Presbyters composing the late Convocation, from which I am led to infer that they have assented to his promulgation of their decision and ad-

vice, as contained in his letter of August 17th, 1825. In obedience to that decision, and on the conditions therein prescribed, I now communicate to you my relinquishment of my title to the Rectorship of St. Paul's Church.

With my best wishes for your individual welfare, and for the prosperity of that Church over which I was for nearly five years the happy Rector, I remain, Gentlemen, your obedient servant,

SAMUEL F. JARVIS.

To the Wardens and Vestrymen of St. Paul's Church, Boston.

P.S. I have requested the Bishop to appoint certain impartial persons to audit and adjust all accounts of property between me and St. Paul's Church. As this course may spare both parties some unnecessary pain, I trust it will meet with your approbation. S. F. J.

This letter together with the keys of the Church, my friends were empowered to deliver up as soon as they should receive satisfactory security for a compliance on the part of the Proprietors with the terms of the recommendation. The following letter from those gentlemen, will give a view of their negociations with the Wardens and Vestry, to the 7th of October, when the terms on both sides were finally complied with.

Boston, 10th Nov. 1825.

REV. AND DEAR SIR,

IN reply to your note received last evening, to ascertain the cause of our not closing the late transaction sooner, and obtaining money for the paper given to you by the Wardens and Vestry of St. Paul's before the 7th ult. we have to assure you that no time was lost on our part. But the pressure in the money market being very heavy, and the paper not being drawn to order, or what is technically called negotiable; and as of course you would have been unwilling to guarantee its payment by putting your name upon it; we were necessarily straitened in our movements, and thought ourselves very fortunate in meeting with an individual disposed to invest his funds in it, at the usual interest of six per cent. We were also indebted to Mr. Wilby for giving us information of the disposition of this individual; at the time we thought it a very favourable and fortunate negotiation.

We remain, respectfully, Dear Sir, yours,

JOHN RICHARDS,
GEORGE BRINLEY.

Rev. Dr. Jarvis.

On this letter it is unnecessary for me to make any remark, excepting that I left these negotiations entirely to the discretion of my friends. I expressed to them no other wish than one; which was that I might be shielded from the possibility of any future collision with the Proprietors. This, as far as I was personally concerned, was my great objection to the Bishop's alteration of the terms of payment. The paper offered me by the Vestry not being negotiable, I should have been compelled to continue for two years in a course of money transactions with them, if my friends had not at once closed the business. How painful this would have been, and how fruitful a source it might have proved, of unchristian feelings and actions, I leave it for my readers to determine.

Immediately after the 28th of September, the Secretary of the Convocation called upon me to say that he was authorized by the Bishop and Clergy to give me a copy of the Records. He had it not with him, and though the reason assigned in the first instance for delay, was that the Bishop and Clergy might have an opportunity at the Diocesan Convention, to hear and examine the Records before they should be given to the parties, yet *they were not so read or examined at that time.* As I found that new difficulties were raised about the terms of payment, and knew not what might be the consequences, I determined to compare with my own eyes the copy of the Records to be furnished me with the rough minutes made at the time. For this purpose I went in company with a friend to visit the Secretary, on the 3d of October. The document purporting to be the proceedings of the Convocation was obtained; but I found that it was somewhat altered from the minutes taken at the time; that the testimony was abridged; and in some instances that important omissions had been made. In the testimony, for instance, of one of the Vestry, who was asked to name the other grounds of dissatisfaction, beside the letter to the Senior Warden, the substance of his answer, mentioning the length of the service and the wish to go to the post-office, was inserted in the minutes taken at the time, but omitted in the copy. Some of the gross expressions of the Senior Warden, taken down at the time, which would at least serve to show the unhappy violence with which I have been assailed, were also left out. I do not mean to impute to the Secretary any wrong intention, but these omissions and condensations make an important change in the testimony. The proceedings of the 29th and 30th of July, in which the copy and the rough minutes agreed, and which are all that are essential on the question, what was the decision of the Presbyters, are here inserted.

St. Paul's Church, Friday July 29, 1825. 4 *o'clock, P. M.*

The Council met. Present the Rt. Rev. Bishop, the Rev. Messrs. Morss, Eaton, Wolcott, Strong, Boyle, Baury, Blake, Edson.

Mr. Sullivan made a few remarks in reply to Mr. Huntington.

The Rev. Dr. Gardiner came in.

The parties retired.

Rev. Mr. Eaton proposed an adjournment of the Council to next week or further, that the members may have more time to deliberate on a subject of so much importance as that now before them. It was the general opinion of the members that they were as well prepared to decide now, as they could be by delay.

After consultation, therefore, the following questions were successively moved and decided:

I. Whether there be a case of controversy between the Rev. Dr. Jarvis, Rector of St. Paul's Church, Boston, and the Vestry or Congregation of said Church? Decided as follows:

Eaton, yea—Boyle, yea—Gardiner, yea—Morss, yea—Wolcott, yea—Baury, yea—Strong, yea—Blake, yea—Edson, yea—(9 yeas.)

II. Whether this controversy has proceeded such lengths as to preclude all hope of its favourable termination? Decided as follows:

Eaton, yea—Boyle, yea—Gardiner, yea—Morss, yea—Wolcott, yea—Baury, yea—Strong, yea—Blake, yea—Edson, yea—9 yeas.

The Rev. Mr. Cutler came in and took his place in the Council.

III. Whether a dissolution of the connection which exists between them be indispensably necessary to restore the peace, and promote the prosperity of the Church? Decided as follows:

Eaton, yea—Boyle, yea—Gardiner, yea—Morss, yea—Wolcott, yea—Strong, yea—Baury, yea—Blake, yea—Cutler, yea—Edson yea—10 yeas.

The Bishop appointed the Rev. Mr. Boyle, and the Rev. Mr. Blake, to draw up a report of the decision of the Council on these questions.

The parties were then asked in. The Bishop directed the Secretary to read the three questions and the decisions thereon. The Bishop then said, that in respect to terms of separation it is the wish of the Council that the parties agree between themselves. If they cannot, it is our advice that they leave the subject to referees chosen by Dr. Jarvis and the Vestry mutually. But if the parties insist that the Council decide, we will not shrink from the duty, though as clergymen we feel a delicacy on that subject.

Dr. Jarvis having been consulted* expressed a wish that the Council be adjourned till tomorrow.

The Bishop then adjourned the Council to meet in this place tomorrow morning at 8 o'clock.

St. Paul's Church, Saturday. July 30th, 1825. 8 o'clock, A. M.

The Council met. Present the Rt. Rev. Bishop—the Rev. Dr. Gardiner—the Rev. Messrs. Eaton—Morss—Wolcott—Boyle—Strong—Baury—Cutler—Edson.

Both parties expressed their wish† that the terms might be settled by the Council without referring the subject to any other tribunal.

The Vestry said they were willing to leave it to the Council without further argument.

Mr. Huntington said that he, as Dr. Jarvis' Counsel, should claim the whole of his rights.

The Rt. Rev. Bishop then rose from his chair, and stated, that the distressed state of his family from the sickness and expected death of a beloved daughter, made it necessary for him to return home immediately. He recommended the Council to proceed in the business before them, blessed them, and retired.

The Council voted that the Rev. Dr. Gardiner be requested to take the chair.

Mr. Huntington then went into a review of the origin and circumstances of the controversy, in order to show that Dr. Jarvis was not to blame for it; and therefore ought not to sustain loss in consequence of it. He claimed for Dr. Jarvis

I. That his salary of $2,500 per annum be paid him up to the time of his leaving. Because, whatever reductions he may have assented to, were made by him for the good of St. Paul's Church, and with the expectation of continuing his connection with that Church, and thereby of ultimately reaping the benefit of it.

II. That a further remuneration be made to Dr. Jarvis, or annuity granted him, in consideration of his being thrown out of an expected income, and injured in his prospect of obtaining further employment.

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*This is incorrect. I was not present. Probably my Counsel expressed the wish.

†I was not present. It was therefore by my Counsel that I expressed the wish. As the Bishop and Presbyters had taken the responsibility to recommend a separation, I was unwilling to release them from the responsibility of fixing the terms.

III. That the expenses of his moving from New-York to Boston be paid him, on the ground of its being customary in like cases.

IV. That his salary be made up to him from Easter of 1820 to the 30th of June of the same year; because his income at New-York was relinquished at Easter on account of his engagement at St. Paul's.

Mr. Sullivan then recapitulated some circumstances to show that the blame of the controversy does not rest on the Vestry and Proprietors, and therefore the Church ought not to sustain the whole loss. He remarked that however rich individuals of the Proprietors might be, it was only their joint property as Proprietors that could be holden; that whatever this Council might give to Dr. Jarvis, they must take from the Church, which has been struggling with debt from its existence and is now hardly released; that the money must be raised by a tax on the pews, and the Council would judge what must be the consequence, if in this city, where there are other Episcopal Churches, and worshippers are at perfect liberty to remove at pleasure, this Church were required to raise a double salary, by doubling its taxes, for several years to come.

At a quarter before three the parties retired.

The Council then agreed that each member write upon a ticket the sum which in his opinion should be paid to Dr. Jarvis, and that an average be made from the whole.

This was accordingly done, when after a short consultation it was UNANIMOUSLY VOTED,

THAT, IN THE OPINION OF THIS COUNCIL, THE SUM OF FIVE THOUSAND DOLLARS SHOULD BE PAID BY THE WARDENS, VESTRY AND PROPRIETORS OF ST. PAUL'S CHURCH BOSTON, TO THE REV. DR. JARVIS, AS THE TERMS UPON WHICH HE RELINQUISH ALL HIS RIGHT AND TITLE TO THE RECTORSHIP OF THAT CHURCH.

Voted, That the secretary communicate to the Bishop this result of his Council as soon as practicable.

Voted, That this Council be adjourned to meet in this place this afternoon at half after four o'clock.

St. Paul's Church, Saturday July 30th 4½ o'clock, P. M.

The Council met, and no further business being offered, it was voted that this Council be now dissolved.

(Signed) THEODORE EDSON.
Secretary of the Council.

By a comparison with the Canon, it will be seen that these proceedings, as far as they went, were regular in form; the absence of the Bishop, and the mode of determining the compensation, alone excepted. And if the Bishop and Presbyters had furnished the parties with a fair copy of these proceedings, signed with their names, it seems scarcely possible that any delay or difficulty could have arisen. Certainly none would have arisen on my part. I should immediately have informed the Bishop of my submission, to the terms of the recommendation; and, the Vestry having done the same, nothing would have remained but to settle the business between us. What necessity was there of setting any time, either for the relinquishment of title, or payment of the sum awarded, unless there was reason to fear, on one side or the other, a disposition to refuse compliance? Was not the time in fact implied in the very vote passed by the Presbyters? Were

not the relinquishment and the payment to take place at the same time; and that, as soon as the parties could arrange the business, without any delay on either side? Every man acquainted with mercantile law, and with the usual forms of business, will, I presume, admit this.

But the Bishop, by altering the terms, threw the whole subject into confusion. As the vote of the Presbyters stood, my rights were respected. If the Vestry on their part did not comply, I was still the Rector of the Church, and no proceedings under the 32d Canon could injure me. But by the Bishop's decree I was stripped of my Rectorship, before I could receive any security from the Vestry, and in fact before they had time to give official information to the Bishop himself that they were willing to abide by the decision of the Convocation.

When the Bishop therefore had voluntarily left the Presbyters to act without him, any deviation from their plain and simple proceedings, was an assumption of Authority not inherent in his office, nor given to him by the Canons. It therefore introduced a precedent most dangerous to the Church. He evidently supposed that a Bishop has power to dissolve the connection between a Clergyman in good standing, and his parish, without any act on the part of that Clergyman. This was implied in his letters, and distinctly affirmed in the conversation of September 26, when he said, "It is not settled that you are still the Rector of St. Paul's Church.*" He evidently supposed too, that by his sole authority he could protract the time of payment, one and two years. Why might he not on the same principle have postponed it, for ten or twenty years? In this way what Clergymen would be safe? If a few influential persons in his parish, determine to remove him from his station, they have only to make a quarrel, affirm that there is an irreconcileable controversy, and call upon the Bishop under the 32d Canon, to dissolve the connection. The Bishop in compliance with the language of the Canon, assembles his Presbyters; but instead of being an authoritative Convocation, they are only his advisers, and he may, or may not, take their advice. No charges affecting the character of the Clergyman being brought or sustained, it becomes necessary by the Canon to award damages. But the Bishop can postpone the payment till the interest has swallowed up the principal; and the Clergyman and his family may be at once deprived of support, and reduced to poverty. Such power no Bishop in England possesses; and will it be pretended that it can exist in this country?

The 32d Canon provides a mode of arbitration between parties where a solemn contract is to be dissolved, and the suffering party is to receive the poor compensation of money for damages sustained. The Bishop and his Clergy act as a jury, who are to decide questions of fact, and appoint the terms of dissolution. What would be said, in cases of ordinary occurrence, if the fore-

* See p. 99, at the bottom.

man of a Jury were to leave them to make up the award without him, and afterwards, on his sole authority, were to alter the verdict?

I was aware from the first, that the course I have taken might expose me to many personal evils. Those who have been so active in calumniating my motives, would derive from it fresh occasion for reproach and evil report. The friends of the Church too, might easily be led to consider any opposition to the will of the Bishop, however right in itself, as injurious to that high estimation in which we must always wish the Episcopal office to be held. The knowledge of this, rendered it very painful to me to take any step which might appear to cast a censure upon the judgment of my Bishop. Yet painful as it was, I felt it to be a duty which I owed to the Church. The proceedings in my case were to form a precedent for the Eastern Diocese. Few Clergymen are placed in circumstances so independent as mine. Few therefore would have it in their power to act with equal freedom. Under these circumstances it seemed to me to be clearly my duty to oppose a barrier to such irregularities. If I have erred it is an error of judgment. If I have failed in Canonical obedience, I shall be ready upon conviction, to acknowledge my fault and implore forgiveness. But the questions involved in these proceedings, demand the serious attention of the whole Church: and if the result shall be, a greater security for my Brethren, or a more exact definition of relative rights and duties, I shall yield with increased resignation to the afflictions I am called upon to suffer. The ways of the Almighty are inscrutable; but they are ways of wisdom, and goodness and mercy. He makes even the wrath of man to praise him, and the remainder of wrath he will restrain.

SAMUEL F. JARVIS.

Boston, November 11th, 1825.

*** Since the foregoing pages were sent to the press, I have been informed that a story has been widely circulated, of my having denied the use of the Communion plate to the Communicants of St. Paul's Church. Never was there a more unfounded calumny. The first Sunday in August I administered the Communion as usual. By a reference to the letter of the Wardens of August 23d, and my answer of the same date, it will be seen, that the Vestry had voted to dispense with my services, and that in consequence I required to be notified, so long as I should continue Rector, if at any time those services should be needed. The first Sunday in September passed without any application being made to me. On the 28th of September, the day when the Diocesan Convention assembled in St. Paul's Church, I sent the following note to the Bishop with the Communion plate:

Boston, Sept. 28, 1825.

RIGHT REV. SIR,

CONTINUED indisposition rendering it advisable for me not to go out to day, I have directed the Sexton to take the Communion plate to the Church, and he will obey any orders that you may please to give him.

I am, Right Rev. Sir, very respectfully your obedient servant,

SAMUEL F. JARVIS.

To the Right Reverend Bishop Griswold, at St. Paul's Church.

On that day, and on the 29th, at the ordination of Mr. Blaisdale and Dr. Ducachet the Bishop administered the Communion. On Friday the 30th, the plate was brought back to me, *but nothing was said of its being wanted the following Sunday.*

I had promised the Rev. Mr. Blake to assist him on Sunday the 2d of October, at St. Matthew's Church South Boston, which is a mile and a half from my house. At half past nine, therefore, I left home, locking my study as usual, in which the Communion plate was kept. A few minutes before 10 o'clock, when I had nearly crossed the bridge, the Sexton of St. Paul's Church overtook me, saying that the plate was wanted for the Communion. The application was wholly unexpected, and it placed me in a very painful situation; but I had no alternative, for it was impossible for me at that late hour to return. If the plate had been wanted, it would at least have been decorous to have given me timely notice. But why was the plate left in my possession? If I had been permitted to resign my Rectorship between the 28th of September, and the first of October, the plate would of course have been delivered to the Wardens. Why then was there any delay? My friends have expressly declared that the delay was not on their side. The Wardens therefore have no reason to blame any one but themselves, if, on the first Sunday in October, there was any disappointment respecting the Communion. On the Friday following, my resignation took place, and the Sacramental plate was delivered to the Wardens in time for Communion on the following Sunday.

When the mind is heated by angry passions, it is easy to misconceive and to misrepresent the motives and the conduct of those against whom it is excited. And when once a slander is uttered, it spreads, and increases, and fills the hearts of men with prejudices, which the tardier movements of truth can with difficulty conquer. In the lively and forcible language of Fisher Ames, "Falsehood will travel from Maine to Georgia, while Truth is putting on her boots." S. F. J.

END.